

GENERAL STATUTES
of
MINNESOTA
1923

PUBLISHED UNDER THE AUTHORITY OF
LAWS OF 1923, CHAPTER 95,
APPROVED MARCH 26TH, 1923

COMPILED AND EDITED BY
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PUBLISHER
REVIEW PUBLISHING COMPANY
ST. PAUL, 1924

Every boiler or pressure vessel as to which any insurance company authorized to do business in this state has issued a policy of insurance, after the inspection thereof, shall be exempt from other inspection under the provisions of this act, while the same continues to be insured; provided, the person, firm or corporation owning or operating the same shall have an unexpired certificate of exemption from inspection, which certificate shall be issued by the chief boiler inspector upon application by the holder of a report of inspection made by the insurance company as hereinbefore set forth and showing that a policy of insurance has been issued by such insurance company with reference to such boiler or pressure vessel and the payment to the chief boiler inspector of a fee of fifty cents therefor. Such certificate of exemption shall expire one year from the date of the report of inspection of the boiler or pressure vessel to which it relates. Such certificate shall be posted in a conspicuous place near the boiler or pressure vessel described therein and to which it relates. Every insurance company shall notify the chief boiler inspector, in writing of the cancellation or expiration of every policy of insurance issued by it with reference to policies in this state, and the cause or reason for such cancellation or expiration. Such notice of cancellation or expiration shall show the date of the policy and the date when the cancellation has or will become effective.

Any insurance company which shall fail to comply with the requirements of this section shall be deemed guilty of a misdemeanor and fined not more than fifty dollars. ('19 c. 240 § 8)

5494. Applications—To whom made—Sealing authorized in case of failure to make payment—The chief boiler inspector shall prepare blank applications on which applications for engineers' licenses shall be made under oath of the applicant. Such blanks shall be so formulated as to elicit such information as is desirable to pass on the qualifications of the applicant.

Every applicant for an engineer's license shall make his application to the district boiler inspector of the district wherein the applicant resides and no license shall be granted by the district boiler inspector of any other district of this state if such applicant's license has been refused.

If the owner or lessee of any boiler or pressure vessel, which boiler or pressure vessel has been duly inspected, refuses to pay the required fee as provided by law within thirty (30) days from the date of such inspection, the district boiler inspector or the chief boiler inspector or his deputy, as the case may be, is hereby authorized and empowered to seal said boiler or pressure vessel until said fee is paid, and the owner, lessee or agent who breaks said seal or operates said boiler or pressure vessel before the fee has been paid shall be guilty of a misdemeanor. ('19 c. 240 § 9)

5494
Et seq.
31 — 300
4637

5495
27 — 429
5495 Et seq.
27 — 438
165-M 128
5495 Et seq.
25 — 120
206-NW 380
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CHAPTER 32

PRESERVATION OF GAME

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PART I. TITLE TO WILD ANIMALS: TAKING: TRANSPORTATION

5495. Title to Wild Animals—Taking—Transportation—That the laws of Minnesota relating to wild animals be, and the same hereby are amended, revised, consolidated, codified and rearranged in the order and form following, which revision shall be known as the "Law of Minnesota Relating to Wild Animals." ('19 c. 400 § 1)

'19 c. 400 § 143, repeals all inconsistent acts and parts of acts; chapter 400 supersedes G. S. '13 §§ 4756-4910.

5496. Ownership in state—The ownership of wild animals so far as they are capable of ownership, is hereby declared to be in the state, not as a proprietor, but in its sovereign capacity as the representative and for the benefit of all its people in common. ('19 c. 400 § 2)

58-393, 59+1098; 73-185, 75+1120; 90-337, 96+785; 92-363, 100+94; 96-45, 104+719.

5497. Taking of wild animals restricted—No person shall at any time of the year, pursue, take, wound or kill, in any manner, number or quantity, any wild animals protected by law, or buy, offer to buy, sell, offer, or expose the same, or any part thereof, for sale, transport, or have the same in possession, except as permitted by this act. No person shall acquire any property in any wild animals in this state except as authorized by this act, and the legal title to any wild animal taken or reduced to possession in violation of law shall remain in the state, and the title to any wild animal lawfully acquired shall revert to the state whenever any law relating to the possession, use or disposition of such wild animal shall be violated. ('19 c. 400 § 3, amended '21 c. 44 § 1)

58-393, 59+1098; 63-543, 65+1080; 73-185, 75+1120; 90-337, 96+785; 92-363, 100+94; 96-45, 104+719.

5498. Manner of taking game—Birds and quadrupeds protected by law shall be taken only in the daytime with a gun not larger than a ten gauge fired from the shoulder unless otherwise permitted by this chapter. No person while in a motor vehicle shall take game, nor discharge any firearm therefrom at any protected wild animal, nor carry a gun or other firearm, except a pistol or revolver, in a motor vehicle unless the same be unloaded in both barrels and magazine and taken apart or contained in a case. Traps for the purpose of taking fur-bearing animals protected by law may be used as herein provided, but traps shall not be staked or set in any manner during the close season for the same. A person may take game birds during the open season with the aid of a dog, unless specifically prohibited herein. ('19 c. 400 § 4)

5499. Manner of taking fish—Fish, unless otherwise specifically permitted by this chapter, shall only be taken by angling. Provided, that it shall be unlawful to take fish by angling through the ice in the night time, by the use or with the aid of artificial lights. ('19 c. 400 § 5, amended '23 c. 426 § 1)

5500. Limits on game and fish—Wanton waste—No person shall wantonly waste or destroy wild animals. The catching, taking or killing of more than fifteen game birds by any one person in any one day, or the catching, taking or killing of more than twenty-five fish by any one person in any one day, except fish lawfully caught, taken or killed with licensed nets, as by this chapter permitted, and destruction of all such game birds or fish caught, taken or killed in excess of such number, shall be deemed a wanton waste. No person shall, after taking or killing any protected wild animal, abandon or permit the edible part of the carcass thereof to waste or decay. ('19 c. 400 § 6)

5499 Et. seq.
25 — 380

5499
29 — 417
5500
29 — 417

5495
Et seq.
177m 483
225nw 430

95 Et seq.
-NW 215

5496
-NW 837

5497
177m 483
225nw 430
5556
9908

5501. **Entering growing grain—Trespassing—**No person shall at any time enter into any growing grain or standing grain not his own with intent to take or kill any wild animal, nor permit any dog with which he shall be hunting to do so for such purpose, without permission from the owner or person in charge thereof. No person shall at any time enter upon any land not his own with intent to take or kill any wild animals after being notified by the owner or occupant thereof not to do so. Such notice may be given orally or by posting written or printed notices to that effect, in the English language, in conspicuous places on the land so protected. ('19 c. 400 § 7)

5502. **Cold storage prohibited—**No person except the commissioner shall place or store, or receive or accept for storage in a cold storage warehouse, any protected wild animal, except fish or furs lawfully taken. ('19 c. 400 § 8)

5503. **Possession of imported game during close season—**No person shall have in possession in this state any wild animal which has been caught, taken or killed outside of this state at a time when it is unlawful to have such wild animals in possession if caught, taken or killed in this state, or which have been unlawfully caught, taken or killed outside of this state, or unlawfully shipped therefrom into this state, except as hereinafter provided in Sections 40 and 53. ('19 c. 400 § 9, amended '21 c. 44 § 2)

63-535, 65+940.

5504. **Transportation of unlawfully killed game—**No person shall transport, ship or convey, or attempt so to do, any wild animal or any part thereof, taken, caught or killed in violation of law, and no common carrier or employe of such carrier shall, while engaged in such business, knowingly ship, or receive for shipment, or aid or abet in the shipment of any wild animals, or any part thereof, caught, taken or killed in violation of law. ('19 c. 400 § 10)

5505. **Transportation and exportation of salable fish and game—**Any person may transport within this state or from a point within to a point without during the open season any wild animals or parts thereof, which may be lawfully sold, except as specifically prohibited by this chapter.

Any person, except agents or employes of a common carrier while engaged in the performance of their duties, may carry with him as baggage on a common carrier any wild animals, including fish, which may be legally in his possession, and common carriers are hereby permitted to carry such wild animals as baggage. If any such wild animal is carried as baggage and is contained in any package, sack, crate or other container there shall be attached to the outside thereof a tag signed by the licensee, written or printed, showing the name and address and license number of such licensee and the number and kind of wild animals or parts thereof contained in the same.

Any resident of this state may transport to any point in the county in which he resides 45 game birds, of which at least 15 shall be water fowl or shore birds in three shipments of not to exceed 15 birds each, and one moose or one deer, and may transport the head or hide of any moose or deer for mounting or tanning purposes to a point within or without this state, provided the same were lawfully caught or killed or taken from deer or moose so caught, and the provisions of section 12 of this chapter have been complied with.

A non-resident may transport to a point without this state 25 game birds and one deer or moose lawfully taken or killed by him in this state, in the manner provided by section 12 of this chapter.

No person shall ship any fish except bullheads, buffalo fish, carp, redbhorse, suckers, sheephead, ellpout, garfish and dogfish outside of this state.

A non-resident duly licensed to fish in this state, may, however, ship or transport by common carrier, or carry with him, to a point outside this state not to exceed 25 pounds of fish of any variety lawfully caught by him in this state under rules to be prescribed by the commissioner. ('19 c. 400 § 11)

58-403, 59+1100.

5506. **Manner of transportation of game birds and quadrupeds—**No common carrier shall transport, and no person shall offer to a common carrier for transportation to a point within or without this state, any game birds or any deer or moose or parts thereof except in the following manner: The person offering game birds or deer or moose or parts thereof for shipment shall exhibit his license to an agent of the carrier, and shall sign his name to each section of one of the coupons attached to his license in the presence of such agent.

In the case of game birds being shipped by a resident of this state, section "B" of a game bird coupon shall be attached by the licensee to the game birds offered for shipment.

Thereupon said agent shall detach section "A" of said coupon from the license and shall immediately forward the same by mail to the commissioner.

In the case of deer or moose or parts thereof being shipped by a resident of this state, section "B" of a deer or moose coupon shall be attached by the licensee to any deer or moose, and section "C" thereof to any deer or moose head, offered for shipment. Thereupon said agent shall detach section "A" of said coupon from said license and immediately forward the same by mail to the commissioner.

In the case of game birds or deer or moose or parts thereof, being shipped by a non-resident, sections "B" and "C" of a game bird coupon, or a deer or moose coupon, shall be attached by the licensee to any game birds or deer or moose or parts thereof, offered for shipment. Thereupon said agent shall detach section "A" of said coupon from said license and shall immediately forward the same by mail to the commissioner. Section "C" shall be removed from said game birds or deer or moose by the carrier at the last stop made by it in this state and shall be immediately forwarded by it by mail to the commissioner. ('19 c. 400 § 12)

5507. **Packages to be labeled—**No person shall ship, transport, or convey by common carrier any wild quadruped or bird or part thereof, in any package, sack, box, crate, trunk or other receptacle or covering unless there is attached or affixed to the outside thereof, a proper coupon tag, and a statement signed by the licensee shipping the same, legibly written or printed, showing the name and address and license number of such licensee, and the name, number and kinds of wild animals or parts thereof contained in the same. Such licensee shall open such receptacles on the request of any game warden, and a game warden may, in the absence of the licensee, open the same to inspect and count the contents thereof. The waybill or receipt issued by any common carrier to a shipper shall specify therein the number of wild animals so shipped.

No person shall ship by common carrier within or without the state, any fish of any variety, in any package, sack, box, crate, trunk, or other receptacle or covering unless there shall be plainly marked on the same the name and address of the consignor and consignee with the number of pounds of each kind of fish contained therein. Any game warden or peace officer may open and examine any receptacle which he has reason to believe contains an unlawful shipment of fish. ('19 c. 400 § 13)

5508. **Hunting by aliens—**No person who is an alien and who has not duly declared his intention of becoming

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ing a citizen of the United States, nor one who, having duly declared his intention to become a citizen and having failed to qualify as a citizen within the length of time in which he may legally do so shall take any wild animal in this state except in defense of person or property; provided, that such persons may take wild animals subject to the laws relating to taking thereof by non-residents. No such person shall own or have in possession any shotgun, rifle or other firearm, except for the purpose of hunting as a non-resident. Guns, firearms or wild animals had in possession in violation of this section are declared to be contraband. ('19 c. 400 § 14)

5509. **Hunting within three miles of certain cities**—No person shall hunt or have in possession for the purpose of hunting, within three miles of the corporate limits of any city having a population of 50,000 or more any gun, rifle or other firearm. Target practice on duly established and properly guarded rifle ranges, and trap shooting or gun practice by members of duly organized gun clubs on lands owned or leased or occupied for that purpose by such clubs, are excepted from the operation of this section. ('19 c. 400 § 15)

5510. **Penalties for violation**—Unless a different penalty or punishment is herein specifically prescribed, a person who buys, offers to buy, sells, offers for sale, takes, possesses or transports any wild animal or part thereof in violation of this chapter or carries a headlight and a firearm of any description at the same time or of any of the laws of this state relating to the preservation of wild animals, or who violates any of the provisions of, or who fails to perform any duty imposed by this chapter, or who violates any duly adopted regulation of the commissioner or any person who attempts to do so, is guilty of a misdemeanor and upon conviction therefor, shall be punished by a fine of not less than \$10.00 nor more than \$100.00 for first offense nor less than \$25.00 nor more than \$100.00 for subsequent offenses or by imprisonment in the county jail for not less than 30 days nor more than three months, and each wild animal bought, sold, offered for sale, taken, possessed or transported in violation of law shall constitute a separate offense; provided, that the minimum punishment for unlawfully taking deer or for violating any of the provisions of Part 6 hereof, relating to commercial fishing, shall be a fine of not less than \$50.00 or imprisonment in the county jail for not less than 60 days. A person who buys, offers to buy, sells, offers for sale, takes, possesses or transports any moose or any part thereof in violation of this chapter, or who violates any provisions of this chapter prohibiting the placing of a set gun, or the use of an artificial light in hunting, shall be guilty of a gross misdemeanor. ('19 c. 400 § 16, amended '21 c. 44 § 3; '23 c. 426 § 1)

5511. **Limitation on prosecutions**—No prosecutions under this chapter shall be commenced unless begun within three years after the commission of the offense complained of. ('19 c. 400 § 17)

5512. **Presumptive evidence**—Possession of wild animals during the time when the taking of the same in this state is prohibited, or when the possession of the same after the close of the open season is not permitted, shall be presumptive evidence that the same was unlawfully taken by the possessor, unless there is attached to such wild animal the tag and seal of the commissioner as hereinafter provided for. ('19 c. 400 § 18)

89-193, 944548; 90-337, 96+785; 96-135, 194+827.
5513. **Witnesses**—The testimony of a person given in a prosecution for the violation of this chapter shall not be received as evidence in a prosecution for the same offense against the person so testifying. ('19 c. 400 § 19)

PART II—LICENSES

5514. **Hunting without license**—Any person who is a resident of this state, and any member of such person's immediate family, may during the open season, hunt, pursue or kill with a gun any wild bird or quadruped, except deer or moose, which may legally be taken and may trap such fur-bearing animals, as may legally be taken, on land owned or leased and occupied as a permanent abode by such person, without procuring a license so to do. ('19 c. 400 § 20)

5515. **Hunting and trapping licenses**—No person shall hunt, pursue or kill any wild quadruped, fowl or bird for which a closed season is provided by this chapter, or take with traps or other devices, any fur-bearing animals, except wolves, or engage in hunting or trapping or fishing except as herein provided, without first having procured a license so to do, and then only during the respective periods of the year when it shall be lawful, except that red fox cubs shall not be dug or taken from dens or taken in any other way to be shipped out of the state. No person who is not a bona fide resident of this state shall take any wild quadruped, fowl or bird in this state without first having procured a license so to do from the commissioner or from an agent designated for the purpose by the commissioner. ('19 c. 400 § 21, amended '23 c. 426 § 1)

5516. **How procured—Residents**—Said license shall be procured from the county auditor of the county in which the applicant resides, or if the applicant does not reside in this state, from the commissioner. Non-resident angling licenses shall be procured from the county auditor or the commissioner or his agents. No person shall be deemed a resident of this state within the meaning of the chapter who has not resided in this state for the period of at least six months immediately preceding the date on which he makes application for a license. The applicant shall state under oath to the county auditor or commissioner, his name, age, residence and postoffice address, and also whether a citizen of the United States or an alien. Any person who makes a false statement under oath in this regard is guilty of perjury. ('19 c. 400 § 22, amended '23 c. 426 § 1)

5517. **Form of license**—The form of all licenses shall be determined and the license blanks prepared by the commissioner, and license blanks for residents shall be furnished by him to the several county auditors throughout the state. ('19 c. 400 § 23)

5518. **Resident game bird licenses—Coupons**—Resident licenses for hunting small game shall have attached thereto three coupons upon which shall be printed the words game birds, gray, black and fox squirrels. Each coupon shall be subdivided into two sections, one of which shall be marked "A" and the other "B." ('19 c. 400 § 24, amended '23 c. 426 § 1)

5519. **Resident big game licenses—Coupons**—Resident licenses for hunting big game shall have attached hereto one coupon, upon one of which shall be printed the words "deer or moose." Such coupons shall be subdivided into four sections, marked respectively "A," "B," "C" and "D." ('19 c. 400 § 25, amended '23 c. 426 § 1)

5520. **Non-resident small game licenses**—Non-resident licenses for hunting small game shall have attached thereto one coupon divided into three sections, marked respectively "A," "B" and "C." The words "small game" shall be printed upon the face thereof. ('19 c. 400 § 26, amended '23 c. 426 § 1)

5521. **Non-resident big game licenses**—Non-resident licenses for hunting big game shall have attached thereto one coupon, subdivided into three sections, marked respectively "A," "B" and "C." The words

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5510
31 — 399

5512
215-NW 837

5512
172m 460
215nw 837
235nw 537
5547
9898*

"deer or moose" shall be printed on each such coupon. ('19 c. 400 § 27, amended '23 c. 426 § 1)

5522. Fees—The applicant, if a resident of this state, shall pay to the county auditor issuing the license the sum of \$1.00 as a license fee for hunting small game, and the sum of \$2.00 as a license fee for hunting big game, and the sum of \$1.00 as a license fee for taking fur-bearing animals, but no license shall be required of any person under twenty-one years of age, and if a non-resident or an alien shall pay to the commissioner the sum of \$50.00 for a license to hunt big game, and the sum of \$15.00 for a license to hunt small game, and the sum of \$2.00 for a license to take fish by angling or spearing. The county auditor shall transmit to the county treasurer at the end of each week the total amount of money received by him as fees for licenses to take game and fish during such day, and the county treasurer shall make a record of the amount so transmitted, and as soon as practicable thereafter shall deposit such amount in the name of the county in a bank or trust company duly designated as a county depository, together with other public funds. The amount received from the issuance of licenses to take fish by spearing or angling shall be paid by the commissioner into the state treasury, and the state treasurer shall accredit the same to a special game and fish fund, and the amount thereof is hereby annually appropriated to the commissioner to be used for the purpose of propagating and preserving game and fish in this state. ('19 c. 400 § 28, amended '21 c. 44 § 4; '21 c. 347 § 1; '23 c. 426 § 1)

5523. Disposition of fees—Establishment of fund—On the first working day of each calendar month the county treasurer shall pay on the auditor's warrant therefor 10 per cent of all moneys received from the county auditor to be retained by him as his compensation, and at such time the county treasurer shall on the auditor's warrant therefor pay the balance to the state game and fish commissioner. The commissioner is authorized to allow a commission of not to exceed 10 per cent to all persons, except salaried game wardens or other state employes, selling non-resident or resident angling licenses, fish-house licenses or white-fish netting licenses. All moneys collected by the commissioner for licenses issued by him, or upon bonds or contracts or received from other sources shall be remitted by him to the state treasurer. All moneys collected by game wardens for licenses or from other sources shall be promptly remitted by them to the state treasurer. All moneys so received by the state treasurer shall constitute a separate fund to be known as the "State Game and Fish Fund." ('19 c. 400 § 29, amended '21 c. 347 § 2; '23 c. 426 § 1)

5524. Duties of auditor and commissioner—The county auditor of the county in which the applicant resides, if a resident of this state, shall issue under his official seal a license of the kind applied for, to each applicant who shall prove to the satisfaction of such auditor that he is qualified to receive such license and who shall pay the proper license fees. The commissioner, if the applicant is a non-resident, shall issue under his official seal a license of the kind applied for, to each qualified applicant who shall pay the required license fee. ('19 c. 400 § 34)

5525. Carrying and exhibiting licenses—Every person to whom a license has been issued shall have such license on his person at the time of taking any wild animals in this state, and while going to and from the hunting grounds and shall exhibit the same for inspection to any game warden or peace officer requesting to see the same, at any time. ('19 c. 400 § 35)

5526. Termination—Every license shall be void after the last day of the open season for which it was issued. ('19 c. 400 § 36)

5527. Alteration—No person shall at any time alter or change in any material manner or loan or transfer to another, or borrow or solicit from another, any license issued as in this chapter provided, or any coupon attached thereto, or use any license or coupon not issued to him. ('19 c. 400 § 37)

5528. Privileges conferred by license—A license shall entitle the person to whom issued to hunt, pursue and kill and take wild animals of the kinds therein specified within the state at a time when or place where it shall be lawful to hunt, pursue, kill and take wild animals in the state. ('19 c. 400 § 30)

5529. Restriction—No hunting license shall be issued to any person under 14 years of age. Only one license of each kind shall be issued to any one person. No license shall be transferable. No trapping license shall be issued to a person not a resident of this state. ('19 c. 400 § 31; '23 c. 426 § 1)

5530. Revocation—Upon conviction of any person for any violation under any license issued to such person, such license shall immediately become null and void and no license shall be issued to any such person for a period of one year thereafter. Upon conviction of any person for hunting, fishing or trapping without a license, no such license shall be issued to any such person for one year thereafter. ('19 c. 400 § 32)

5531. Duplicates—Whenever any such license is lost the person to whom the same was issued may present to the commissioner an affidavit proving such loss, whereupon the latter may authorize the issuance of a duplicate license to such person. ('19 c. 400 § 33)

5532. Non-resident fishing license—No person over the age of sixteen years who is not a bonafide resident of this state shall take any fish by angling or spearing in the waters of this state without first having procured a license so to do from the commissioner, a county auditor or a game warden, or from an agent designated for the purpose by the commissioner. ('19 c. 400 § 38, amended '21 c. 44 § 5)

5533. Possession of deer, moose and game birds—When lawful—No person shall have in possession any deer, moose or game birds or any part thereof, in this state, except during the open season therefor and for the period of five days thereafter, unless the tags or permit hereinafter referred to have been issued to him. Mounted specimens of wild animals, tanned hides and dressed furs are excepted from this chapter. ('19 c. 400 § 39)

72-335, 75+386; 93-148, 100+647; 96+45, 58-303, 59+1098; 104+729.

5534. Permits to retain game—How procured—Any person desiring to retain possession of deer, moose or game birds after the close of the season therefor, shall surrender the license under which such deer, moose or game birds were taken, to the commissioner or game warden, and he, if satisfied that such application and surrender is made in good faith, and that the applicant is a resident of this state, shall cause distinctive tags or seals to be affixed to each deer, moose, game bird or part thereof lawfully in possession of the applicant, or he shall issue a written permit to such applicant to keep and use such deer, moose, game birds or part thereof, and thereupon the applicant shall be entitled to retain possession of the same until consumed; provided, no game birds may be retained under a permit after the 31st day of January in the year following that in which they were killed, and no moose or deer may be retained under a permit after the last day of February in the year following that in which they were taken or killed. Wild animals, lawfully taken and had in possession outside this state, may be brought or shipped into this state and had in possession at any time upon proof that they have been so

lawfully taken, provided retaining tags herein provided for are attached thereto. ('19 c. 400 § 40, amended '21 c. 44 § 6)

5535. Not to be shipped or sold—No person shall ship or sell any deer, moose, game birds or part thereof which has been tagged with a retaining tag, or for which a permit has been issued as provided in section 40. A person may, however, dispose of by gift protected wild animals lawfully in his possession. ('19 c. 400 § 41)

5536. Reports of licenses—Every person to whom a license to take birds or quadrupeds is issued shall, on or before thirty days after the expiration of his license, make a written report to the commissioner on a form prepared and furnished by him, stating the kind and number of each bird or quadruped taken under such license. A licensee who wilfully fails or neglects to make such report shall not be granted a license to take birds or quadrupeds for one year thereafter. ('19 c. 400 § 42)

5537Eteeq. 31 - 378 PART III. QUADRUPEDS

5537. Open season for big game—Deer may be taken from November 10th to November 20th, both inclusive, in even-numbered years only, but nothing in this chapter shall be construed to permit the taking or killing of moose, elk or caribou at any time. ('19 c. 400 § 43, amended '21 c. 450 § 1; '23 c. 426 § 1)

5538. Limit—A person may take one such deer or moose in an open season, but may not take both. ('19 c. 400 § 44)

§ 43 as amended '23 c. 426, in effect eliminates the words "or moose" from this section.

5539. Manner of taking—No artificial light, snare, trap, saltlick, set gun, swivel gun or other device to entrap or entice deer or moose shall be used, made or set, nor shall any deer or moose be taken by aid or use thereof. Deer or moose shall not be hunted or pursued or killed with dogs. The licensee shall, after killing a deer or moose, immediately affix to the carcass thereof coupon tag "B" of his license. There shall also be affixed to each carcass of deer or moose before same is transported or offered for transportation, a metal locking seal bearing the license number of the owner thereof and the year issued, in figures, said seal to be furnished by the commissioner through the county auditors when licenses are sold and for which a fee of 25 cents shall be paid. ('19 c. 400 § 45, amended '21 c. 450 § 2)

5540. Dogs near deer habitats—No person shall take a dog of either sex into, nor shall any person keep or maintain a dog about any hunting lodge or lumber camp used by hunters in a locality frequented or inhabited by deer or moose. Any person may, and it shall be the duty of every game warden to kill any dog pursuing or killing deer or moose, and no action for damages shall be maintained against the person for such killing. The prohibitions of this section shall not apply to dogs on lands actually farmed or cultivated by the owner of such dog, or within the limits of an incorporated village or city. ('19 c. 400 § 46)

5541. Squirrels, bear and raccoon open season—Black, gray and fox squirrels and black bear may be taken and possessed between October 15th and January 1st following, both inclusive. Raccoon may be taken and possessed between October 15th and November 15th following, both inclusive. No person shall hunt, molest or take any gray, black, red, fox, flying or other timber squirrel at any time within the corporate limits of any city or village, or within one-quarter of a mile thereof. No steel traps shall be used for the purpose of taking or catching black bear. ('19 c. 400 § 47, amended '23 c. 342 § 1)

5542. Mink, fisher, skunk and muskrat—Mink and fisher may be taken in any manner between November 15th and March 1st following, both inclusive. Muskrat may be taken only by trapping between March 1st and April 30th following, both inclusive. Skunk may be taken in any manner between October 15th and March 1st following, both inclusive. Such animals, legally taken, may be possessed, bought and sold at any time. No person shall hunt or pursue mink or muskrat at any time with a dog. ('19 c. 400 § 48, amended '23 c. 342 § 1)

5543. Beaver and otter—No person shall take or possess otter or beaver at any time, or molest or disturb any otter or beaver, except that, in the event, that beaver shall at any time, in any locality, become so numerous, that in the judgment of the commissioner, a limited number thereof may be taken without unduly depleting the species, then and in such case the commissioner, upon the receipt of a license fee of \$1.00, and upon the execution and delivery to the commissioner of a bond in the sum of \$500.00, with sureties to be approved by him, conditioned upon the faithful observance of the laws of this state relating to wild animals and the regulations of the commissioner, may issue to any person a license to take beaver, specifying therein the number of beaver, the time when and the place where the same may be taken. The licensee shall report, within five days after the termination of his license, the number of beaver so taken by him, to the commissioner. Thereupon the commissioner shall issue to the licensee a distinctive tag for each beaver taken, and upon receipt thereof, the licensee shall affix one such tag to each beaver. The licensee shall pay the commissioner a fee of \$1.50 for each tag so issued. Beaver so taken and tagged may be bought, sold and transported at any time. ('19 c. 400 § 49, amended '23 c. 342 § 1)

5544. Homes of fur-bearing animals—No person shall molest, injure or destroy any muskrat, mink or beaver house, burrow, den or other abiding place of the same, except that when any of said animals are injuring any property, the commissioner may cause said animals to be removed or destroyed or may permit the killing of such animals and the destruction of the homes or other structures erected by them; provided, that this provision shall not be construed to prevent the trapping of muskrats in their houses in such a manner as not to injure or destroy the same. The commissioner may, under proper and suitable regulations adopted by him, permit the taking of muskrats in shallow marshes or sloughs in such cases where no deep water is found within a distance of 35 miles of such marshes or sloughs at any time, when it may be shown that such muskrats are in immediate danger of destruction by freezing or starvation. ('19 c. 400 § 50, amended '23 c. 342 § 1)

5545. Hares, etc.—Hares, rabbits, weasels, wild cat, lynx, wolves, foxes, gophers and all other quadrupeds for which a close season is not provided by law, may be taken either in the day time or at night and in any manner, except that poison may be used to aid in the taking thereof only by permission of the Game and Fish Commissioner and in a manner prescribed by him. ('19 c. 400 § 51, amended '21 c. 44 § 7; '23 c. 426 § 1)

5546. Snow shoe rabbits—Varying hare or snow shoe rabbit may be taken from October 15th to March 1st following, both inclusive, and when so taken may be bought, sold and possessed at any time. The use of nets, bags, traps or similar contrivances in hunting rabbits with ferrets is hereby prohibited. ('19 c. 400 § 52)

5547
177m 398
Art 4 §27
225nw 435
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5631
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172m 469
215nw 837
235nw 537
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5547. Traffic in furs—Nothing in this act shall be construed as prohibiting the buying, shipping or having in possession at any time, of the skins of fur-bearing animals legally killed within or without the state, and of the hides of moose or deer legally killed within or without the state, upon proof that the hides were so taken. No person shall engage in the business of buying furs until he shall have procured a license so to do from the commissioner. Fees, payable to the commissioner, for such license shall be as follows: For a local resident fur buyer's license, \$1.00; for a resident traveling fur buyer's license, \$10.00; for a non-resident local or traveling fur buyer's license, \$25.00; for a wholesale fur buyer's license, \$1.00. Such fur buyers' licenses shall be issued for the calendar year and may be revoked by the commissioner for any violation of the law relating to wild animals or for fraudulent practices employed in connection with the buying of furs under such license. All fur buyers shall furnish to the commissioner such reports as he may require for statistical purposes on blanks furnished them for this purpose. ('19 c. 400 § 53, amended '23 c. 342 § 1)
114-463, 131+481.

PART IV. BIRDS

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5548. Open season for game birds—Mourning dove, prairie chicken or pinnated grouse, white-breasted or sharp-tailed grouse and upland plover may be taken or possessed between September 16th and October 1st following, both inclusive, and woodcock may be taken or possessed between October 1st and November 30th, both inclusive. No mourning dove shall be taken, killed or had in possession prior to September 16, 1920, no woodcock prior to October 1, 1920, and no upland plover prior to September 16, 1927, no prairie chicken or sharp-tailed grouse shall be taken or killed or had in possession prior to September 16, 1921, and thereafter may be taken only in odd-numbered years. ('19 c. 400 § 54, amended '21 c. 242 § 1)

5549. Limit—A person may take, during the open season not to exceed 9 mourning doves, prairie chicken or pinnated grouse, white-breasted or sharp-tailed grouse, woodcock, or upland plover, in the aggregate of all kinds in one day.

No person shall take more than 30 of the game birds enumerated in this section, in the aggregate of all kinds in any one open season, and no person shall take more than 18 prairie chickens, or sharp-tailed grouse, in any one open season. ('19 c. 400, § 55, amended '21 c. 242 § 2)

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200-NW 446
5550
60-M 402

5550. Bird dogs—Hunting and training—Game birds may be taken during the open season with the aid of dogs. The owner or trainer of a dog may take the same afield for the purpose of training said dog, from [September 10th to September 7th] following, both inclusive; provided, that such owner or trainer shall carry no firearms and that no injury be inflicted upon any game birds or quadrupeds contrary to law. The use or training of dogs between December 1st and August 14th following, both inclusive, in fields inhabited or frequented by game birds is prohibited. Any dog so used is hereby declared to be a public nuisance and may be summarily killed by any person. ('19 c. 400 § 56, amended '21 c. 242 § 3; '23 c. 426 § 1)

[There is a clerical error in this section set forth in brackets].

5551-52
31 — 69
31 — 399

5551. Open season for certain game birds—Quail, partridge or ruffed grouse, may be taken or possessed between October 15th and November 20th following, both inclusive, but nothing in this chapter shall be construed to permit the taking or killing of Canada spruce grouse. Male Chinese ringneck or English pheasant may be taken or possessed between October

15th and October 18th following, both inclusive. Partridge or ruffed grouse, Chinese ringneck or English pheasant may be taken, killed or had in possession taken only in even-numbered years. No game birds may be taken at any time or in any manner within the limits of any public highway, except migratory game birds. ('19 c. 400 § 57, amended '23 c. 426 § 1)

5552. Limit—A person may take during the open season not to exceed 10 quail, and not to exceed 5 partridge or ruffed grouse, and not to exceed 3 male Chinese ringneck or English pheasant in the aggregate of all kinds in one day. No person shall have more than 20 quail or partridge in possession at any one time and no person shall take more than 30 of the game birds enumerated in this section in the aggregate of all kinds in any one open season. Not more than 3 Chinese ringneck or English pheasant may be taken in any one season. ('19 c. 400 § 58, amended '23 c. 426 § 1)

5553-56
31 — 399

5553. Water fowl—Open season—Wild ducks, wild geese, coots, rails, gallinules, Wilson or jacksnipe, and greater and lesser yellowlegs, may be taken and possessed between September 16th and December 31st following, both inclusive. ('19 c. 400 § 59, amended '23 c. 426 § 1)

5554. Hours for taking—Migratory game birds may be taken each day only during the hours permitted by federal law. ('19 c. 400 § 60)

5555. Limit—A person may take during the open season, not to exceed 15 wild ducks, coots, rails or gallinules, Wilson or jacksnipe, and greater and lesser yellowlegs, in the aggregate of all kinds and not to exceed 5 wild geese or 2 wood ducks in any one day. No person shall have in possession at any one time more than 45 wild ducks, coots, rails or gallinules, Wilson or jacksnipe, and greater and lesser yellowlegs, in the aggregate of all kinds, of which not more than 5 shall be wild geese and of which not more than 2 shall be wood ducks. Not more than 135 ducks may be taken during any one open season. ('19 c. 400 § 61, amended '23 c. 426 § 1)

5556. Manner of taking—Water fowl may be taken during the open season from the land, from a stationary blind used to conceal the hunter and from a boat or canoe propelled by paddle, oar or pole (other than a sail or power boat), when the same is within a natural growth of weeds, rushes, flags or other vegetation, or in pursuit of wounded birds, but may not be taken from power or sail boats or upon the open water, or from aeroplanes or from sink boxes or permanent artificial blinds built in public waters. Rifles may not be used in taking water fowl. Artificial decoys may be used. ('19 c. 400 § 62, amended '23 c. 426 § 1)

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177m 483
225nw 430
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9908

5558. Bird snares, traps or nets—No wild bird except those enumerated in section 67 hereof, and no bird for which a close season is provided shall be trapped, netted or snared. No net, trap, snare, artificial light, bird line, swivel or set gun or other contrivance for taking birds shall be set, placed or used where such birds can be taken. Any such trap, net or snare is declared to be a public nuisance, and may be summarily abated and destroyed by any person, and it shall be the duty of every game warden to seize and destroy any such device. ('19 c. 400 § 63)

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33 — 392

5559.—Nests and eggs—Nests of wild birds other than the English sparrow, Cooper hawk, sharp shinned hawk, goshawk, blackbird, crow and great horned owl shall not be robbed or wilfully destroyed except when necessary to protect buildings to prevent their defacement, or when taken under the authority of the commissioner. ('19 c. 400 § 64)

5560. Certain wild birds protected—Wild birds, other than the English sparrow, blackbird, crow, sharp-

shinned hawk, Cooper hawk, goshawk and great horned owl, shall not be taken or possessed at any time, dead or alive, except under the authority of a certificate issued by the commissioner. No part of the plumage, skin or body of any bird protected by this section, or of any birds coming from without the state, whether belonging to the same or a different species from that native to the state of Minnesota, provided such birds belong to the same family as those protected by this chapter, shall be bought, sold or had in possession for sale. This section shall not apply to game birds for which an open season is provided in this chapter, nor to the keeping and selling of parrots or song birds as domestic pets; provided, that nothing herein shall be construed to permit the buying or selling of wild song birds. ('19 c. 400 § 65)

5561. Carrier pigeons, etc.—No person shall take, capture, molest or in any way interfere with any Antwerp or homing or carrier pigeon if it have the name of its owner stamped upon its wing or tail, or wear a ring or seamless leg band with its registered number stamped thereon, or have any other distinguishing mark; nor shall any person remove any such distinguishing mark from any such pigeon. ('19 c. 400 § 66)

5562. Unprotected birds—English sparrow, black-bird, crow, sharp-shinned hawk, Cooper hawk, goshawk and great horned owl may be taken and possessed without limit, in any manner at any time. ('19 c. 400 § 67)

PART V—FISH

5563. Minnows for bait—Minnows for bait may be taken at any time with a net, trap or seine, except that immature game fish and carp shall be carefully sorted out at the time of taking and the game fish at once returned to the water, and the said carp at once destroyed. Minnows as defined in Paragraph 12, Section 140, may be bought and sold. Provided, however, no minnows shall be taken with a net, trap or seine in waters inhabited by trout, nor shall minnows be taken with a net, trap or seine in any lake which has been stocked within the previous three years with game fish fry by the Game and Fish Commissioner of Minnesota. ('19 c. 400 § 68, amended '23 c. 426 § 1)

5564. Open season for black bass—Size—Black bass not less than 9 inches in length may be taken by angling and thereafter possessed between June 15th and March 1st, following, both inclusive. A person may take not to exceed 10 such bass in one day and may have not to exceed 20 such bass in his possession at one time. The use of three artificial flies in fishing is permitted. Such bass may not be bought or sold at any time. ('19 c. 400 § 69, amended '23 c. 426 § 1)

5565. Trout—Open season—Size—Limit—Sale—Trout (except lake trout) not less than 7 inches in length may be taken by angling and thereafter possessed between April 15th and September 1st following, both inclusive. A person may not take to exceed 25 such trout in one day, nor have in possession more than 50 such trout or 20 pounds thereof at any one time. The use of three artificial flies in trout fishing is permitted. Such trout may not be bought or sold at any time. ('19 c. 400 § 70)

5566. Fishing in trout streams—No fish of any variety shall be taken from any stream designated by order of the commissioner as a trout stream, except during the open season for taking trout. ('19 c. 400 § 71)

5567. Lake trout, salmon—Open season—Size—Limit—Lake trout, and salmon, not less than 16 inches in length, may be taken by angling and thereafter possessed between November 15th and October 1st following, both inclusive. A person may take not to

exceed 25 such lake trout or salmon, in one day. Such lake trout, or salmon, may not be bought or sold at any time. ('19 c. 400 § 72)

5568. Open season for pike and pickerel—Size—Limit—Wall-eyed pike (except sand pike) and pickerel not less than 14 inches in length may be taken by angling and thereafter possessed between May 15th and March 1st following, both inclusive. A person may take not to exceed 10 such pike or 25 pickerel in a day and may have not to exceed 20 such pike in his possession at one time. Wall-eyed pike, except those taken from waters which may be opened for the sale thereof by the commissioner may not be bought or sold at any time. Pickerel may be taken by spearing except during the closed season therefor. Artificial lights may be used in spearing carp, dogfish, suckers, redhorse and garfish in inland waters from March 20th to April 20th, both dates inclusive, and in interstate waters under the jurisdiction of the state of Minnesota from September 15th to November 15th, both dates inclusive. ('19 c. 400 § 73, amended '21 c. 35 § 1; '23 c. 426 § 1)

5569. Sturgeon—Open season—Size—Limit—Sale—Rock sturgeon or lake sturgeon and spoonbill or paddlefish not less than 15 pounds dressed weight, head removed, and shovelnose sturgeon or hackleback not less than 1 pound dressed weight, head removed, may be taken by angling or by spearing and thereafter possessed between May 1st and March 1st following, both inclusive. A person may take not to exceed one such rock sturgeon or lake sturgeon, spoonbill or paddlefish in one day. Such sturgeon may be bought or sold during the open season. ('19 c. 400 § 74)

5570. Open season for crappies—Size—Limit—Crappies not less than 7 inches in length may be taken by angling and thereafter possessed between May 15th and March 1st following, both inclusive. A person may take not to exceed 20 crappies in one day. Such crappies may not be bought or sold at any time. ('19 c. 400 § 75, amended '21 c. 35 § 2; '23 c. 426 § 1)

5571. Open season for sand pike or saugers—Size—Limit—Sand pike or saugers, not less than 10 inches in length may be taken by angling and thereafter possessed between May 15th and March 1st following, both inclusive. A person may take not to exceed 25 such sand pike or saugers in any one day. Such sand pike or saugers may not be bought or sold at any time. ('19 c. 400 § 76, amended '21 c. 35 § 3; '23 c. 426 § 1)

5572. Muskellunge—Open season—Size—Limit—Sale—Muskellunge, not less than 30 inches in length, may be taken by angling, and thereafter possessed between May 15th and March 1st following, both inclusive. A person may take not to exceed 5 such muskellunge in one day. Such muskellunge may not be bought or sold at any time. ('19 c. 400 § 77, amended '21 c. 35 § 4)

5573. Open season for perch, sunfish and rock bass—Yellow perch of any size, sunfish of not less than five inches in length and rock bass of not less than six inches in length, and all other varieties of fish for which a different season is not provided by this chapter, may be taken by angling and thereafter possessed, between May 15th and March 1st following, both inclusive. A person may take not to exceed 25 such sunfish or rock bass or such other fish, except perch, in one day. Such perch or other fish may be bought and sold during the open season. Such sunfish and rock bass may not be bought or sold at any time. ('19 c. 400 § 78, amended '21 c. 35 § 5; '23 c. 426 § 1)

5574. Carp, suckers, etc.—Open season—Size—Limits—Sale—Carp, dogfish, redhorse, sheepshead, catfish, suckers, eelpout, garfish, bullheads of any size, whitefish not less than 16 inches in length, and buffalofish of not less than 15 inches in length may be taken by

5563 Et. seq. 25 — 296

5563 31 — 399

5563 33 — 369

5564 Et. seq. 29 — 323

5565 — 380 — 64

5565 29 — 17

5565 Et. seq. 31 — 372 31 — 400 5630

5567 31 — 371

5563 Et. seq. 27 — 322

5568 29 — 323 31 — 323 31 — 393

5568 33 — 81 33 — 392

5569 31 — 374

5570-72 31 — 393

5570 Et. seq. 29 — 323

5573 31 — 334

5574 31 — 323 31 — 338

5574 33 — 49 33 — 81 33 — 392

angling, except during March and April, or by spearing at any time and possessed, without limit, unless otherwise specially provided. Such fish may be bought or sold in any quantity at any time. Artificial lights may be used in spearing the fish herein enumerated in streams only, between April 20th and June 1st following, both inclusive. ('19 c. 400 § 79)

5575. **Placing carp in waters prohibited**—No person shall put or place in any public waters of this state fish commonly known as carp, nor shall any person put or place in such waters the spawn of such fish or use such fish as bait in the water thereof. ('19 c. 400 § 80)

5576. **Fishing in Ramsey county**—No fish of any kind shall be taken from waters lying wholly or partly within any county having not less than 200,000 nor more than 275,000 inhabitants, except from rivers, between March 1st and the 1st day of May following, both inclusive, and no fish of any kind shall be taken from such waters at any time other than by angling, except that pickerel, redhorse, buffalofish, suckers, carp and bullheads, may be taken from such waters by spearing between November 1st to November 15th, both inclusive. ('19 c. 400 § 81)

5577. **Fishing in Hennepin county**—No fish of any kind shall be taken from waters lying wholly or partly within any county having not less than 300,000 inhabitants at any time in any other manner than by angling, except that pickerel, redhorse, buffalofish, suckers, carp and bullheads may be taken by spearing in a duly licensed fish house between December 15th and April 1st following, both inclusive. ('19 c. 400 § 82)

5578. **Fishing in Minneapolis**—No fish of any kind shall be taken in any manner, from waters lying wholly or partly, within the corporate limits of any city of the first class not operating under a home rule charter, between November 1st and May 29th following, both inclusive. ('19 c. 400 § 83)

5579. **Fish—Limit of all kinds**—A person may take not to exceed 25 fish except perch by angling, in the aggregate of all kinds in any one day, except that any quantity or number of the fish described in section 79 hereof may be taken in one day. Provided, that the commissioner may, whenever it has been shown to be necessary in any lake, make regulations fixing a daily limit of 25 perch per day therein. ('19 c. 400 § 84)

5580. **Sale of fish caught in certain counties**—No fish of any variety, except minnows for bait, caught in waters lying within a county having a population of 200,000 or over, shall be bought, sold or otherwise trafficked in at any time. The commissioner may, when necessary to prevent the undue depletion of the fish in any lake or stream, prohibit the sale of any species of fish taken in any of the waters of this state. ('19 c. 400 § 85)

5581. **Use of explosives prohibited**—Fish shall not be taken by means of explosives, drugs, poisons, lime, medicated bait, fish berries, or other deleterious substances, or by nets, traps, tip-ups, snares, trot lines, wire strings, ropes or cables, except where otherwise expressly provided by this chapter. Possession of any of such substances or contrivances by any person on the waters, shores or islands of this state, shall be presumptive evidence that the same are possessed for use in violation of this section. It shall be unlawful to have in possession, fish nets, except minnow nets, landing nets and dip nets and all nets held in stock for sale by dealers, unless tagged and licensed by the Game and Fish Commissioner. Such tags and licenses shall be for the current year. Provided, that nets in the possession of licensed commercial fishermen shall not be subject to this regulation. ('19 c. 400 § 86, amended '23 c. 426 § 1)

5582. **Polluting streams**—No refuse, sawdust, shavings, tan bark, lime or other deleterious or poison-

ous substance shall be thrown or allowed to run into any of the waters of this state in quantities injurious to fish life inhabiting the same, or injurious to the propagation of fish therein. A continuous violation of this section is declared to be a public nuisance, and an action may be brought by the attorney general on the request of the commissioner to enjoin and abate such nuisance. ('19 c. 400 § 87)

5583. **Fish screens—Removal of**—No person, except under the authority of the commissioner, or the county board, in the manner now provided by law, shall by means of any rack, screen or other obstruction in any creek, stream or river, prevent the passage of fish. The commissioner may order such an obstruction removed by the person erecting the same or by the owner of the land on which the same is located. ('19 c. 400 § 88)

5584. **Tip-ups, use of—License**—Tip-ups or tell-tales may be used for fishing through ice to take carp, dogfish, redhorse, sheephead, buffalofish, pickerel, suckers, eelpout, garfish, bullheads and catfish, from December 15th to April 1st following in the Mississippi river between the Falls of St. Anthony and the mouth of the St. Croix river, and in lakes emptying into said river between said points, only under license and permit from the commissioner, for which a fee of \$1.00 shall be paid. No person shall operate or control at the same time more than six tip-ups. Not more than 25 fish shall be caught in one day under a tip-up license. Not more than one tip-up license shall be issued to members of the same household. Such licenses may be cancelled in the discretion of the commissioner. ('19 c. 400 § 89)

5585. **Fish houses—Use of—License**—Fish houses or shelters to protect a person fishing through the ice to take by spearing, pickerel, carp, dogfish, buffalofish, whitefish, tullibeas, sheephead, bullheads, catfish, eelpout, garfish, suckers and redhorse, may be used from December 1st to April 1st following, both inclusive, in all waters of this state, including those over which Minnesota has concurrent jurisdiction with other states, only under license from the commissioner, for which a fee of \$1.00 shall be paid. Such license shall be granted by the commissioner only on satisfactory evidence that such fish house will be used by the applicant for taking fish for domestic or personal use, and not for commercial purposes; provided, that carp so caught may be bought and sold at any time. Not more than one fish house shall be used by any one person. Licenses to erect fish houses on certain lakes may be denied by the commissioner when in his opinion conditions justify such denial. ('19 c. 400 § 90, amended '21 c. 212 § 90)

5586. **Whitefish and herring netting—Open season—Sale**—Whitefish and tullibeas may be taken by means of gill nets of the sizes herein specified between November 1st and December 10th following, both inclusive, and fresh water herring may be taken by means of gill nets of the sizes herein specified between November 1st and January 10th following, both inclusive, in inland lakes of the state, for private use or consumption, but not for sale, provided a license to do so shall be first obtained from the commissioner. ('19 c. 400 § 91, amended '21 c. 44 § 8)

5587. **Frogs—Not to be exported from state**—Frogs may be taken and possessed, bought, sold and transported for commercial purposes in any manner and at any time, except during the months of April and May, and may be taken for bait and scientific purposes at any time. Provided, that frogs may not be transported outside the State of Minnesota for commercial purposes and provided further that it shall be unlawful to use cloth screens or other similar contrivances

5576 - 77
Repealed
25 - 380

5581
29 - 331

5584R
31 - 309
5584-85
177m 446
177m 454
178m 331
178m 335

5585-86
33 - 261
33 - 301
33 - 392

5587-88
31 - 309

1925	94
21	393
25	408
5595	
25	118

5594 Et seq.	
27	437

§ 5588

C. 32

PRESERVATION OF GAME

and pitfalls in the catching of frogs. ('19 c. 400 § 92, amended '23 c. 426 § 1)

5588. **Turtles**—Turtles and tortoisés may be taken, possessed, bought, sold and transported in any manner at any time. ('19 c. 400 § 93)

5589. Whenever one or more owners of land abutting upon any of the public waters of this state present a verified petition to the commissioner stating (a) the name, residence and postoffice address of each petitioner, (b) a description of the lands abutting on such waters owned by the petitioners, (c) a map or plat showing the location of such lands with reference to such waters, (d) that in order to maintain a uniform stage of water in the public waters specified, or to conserve the fish supply therein, it is necessary to construct and maintain a dam or screen therein, (e) that the construction and maintenance of such a dam or screen will maintain a uniform stage of water or will conserve and increase the fish supply in such waters, (f) a plan of the proposed dam or screen and its location, (g) the approximate cost of such dam or screen; and that the petitioners are able and willing to pay for the construction thereof, then and in that case, if after investigation the commissioner finds the statements in the petition to be true, he shall issue to the petitioners a permit to construct a dam or screen of the kind specified in the petition of such waters, and thereafter the petitioners, their heirs or assigns, may construct and maintain such dam or screen, provided no public waters of this state shall be raised above their normal or natural level as evidenced by fixed monuments. No person shall knowingly interfere with or obstruct the erection of such dam or screen, and no person shall knowingly destroy, injure or in any manner impair the usefulness of such dam or screen after its construction. ('19 c. 400 § 93a)

5590. **Fishways—Dams—Plan of submitted to commissioner**—Before the construction of a dam is commenced on any of the waters of this state, including those over which Minnesota has concurrent jurisdiction with other states, the plan thereof, and a statement of the name, length and location of the waters on which the dam is to be built, shall be given to the commissioner by the person, or if by public authority, by the official directing or permitting the work. ('19 c. 400 § 94)

5591. **Fishways—Construction** — The commissioner may on notice to the owner of the land, or the official directing or permitting the work, make an order to be served by copy on such person or official, directing the construction of fishways in any dam heretofore or hereafter built, or if there be fishways, the making of changes therein in accordance with specifications to be embodied in said order, and it shall be the duty of the person or official so served to comply with such order within the time specified therein. ('19 c. 400 § 95)

5592. **Fishways—Fishing near forbidden**—No person shall catch or take any fish within 50 feet of any fishway. ('19 c. 400 § 96)

PART VI—COMMERCIAL FISHING.

5593. **Nets may be used only when permitted**—Seines, gill nets, fykes, pounds, traps, set lines and other nets and devices may be set and used only as herein specially provided. The size limits fixed by this chapter for the taking of fish by angling shall apply to the taking of fish by means of nets and set lines in commercial fishing, the length of fish to be determined by measurement from the tip of the nose to the fork of the tail. Fish taken in licensed commercial fishing as provided for in sections 97, 98, 99, 101 and 103, of the printed bill, may be shipped and sold either within or without the state. ('19 c. 400 § 97)

5594. **Seining—Inland waters—Open season**—Carp, dogfish, garfish, sheepshead, eelpout, buffalofish, suckers and all fish not protected by law may be taken by means of such nets or devices between October 1st and April 1st following, both inclusive, in any of the waters of this state, except in that portion of the Mississippi river and Lake St. Croix forming a common boundary between Minnesota and Wisconsin, provided a license so to do shall be first obtained from the commissioner.

Subdivision 1. The game and fish commissioner before issuing any licenses hereunder, shall advertise in one legal newspaper in each county in the state in which public waters are situated, which in his judgment contain fish of the varieties hereinbefore specified in such numbers as to warrant their taking by means of nets, and in said advertisement he shall invite bids for netting licenses in the public waters specified therein and shall state at what time and at what place the same will be opened and shall reserve the right to reject any and all bids.

Provided, however, that in all counties of this state lying southerly of the St. Croix river and tributary to the Mississippi river and having a population of 28,000 or over according to the last federal census the respective boards of county commissioners shall have power to prohibit seining or fishing in any of the waters lying within the boundaries of their respective counties by a resolution adopted at their July meeting, and not otherwise. Waters so closed shall not be opened at any subsequent meeting of the board during the ensuing year. No county board shall enter into any contract for such fishing or seining, nor shall the board or any member thereof solicit, or receive any commission or payment of money for that purpose.

Subdivision 2. Licenses hereunder shall be procured from said commissioner. The applicant or bidder shall make an application in writing to said commissioner stating (a) his name and residence, (b) the number and size of the nets or seines to be used, (c) the waters in which he intends to use them and his bid, to be made separately for each lake, for the privilege of taking such fish, which bid shall be at a certain percentage of the gross proceeds which may be realized from the sale of the fish so caught, but in no case less than ten per cent, and accompanied by a certified check or bidder's bond in the sum of \$1,000, and shall be enclosed in a sealed envelope addressed to said commissioner. All applications shall be publicly opened on the day specified. The commissioner may reject any and all bids. If a license is issued it shall be thereupon issued to the highest responsible bidder, who shall execute and deliver a license bond to the commissioner in favor of the state in such sum, not exceeding \$5,000, and with such sureties as said commissioner may prescribe, conditioned upon his faithful compliance with the laws of this state and the regulations of the commissioner.

Subdivision 3. No such license shall be issued to any duly appointed game warden, nor to a person who is a partner of a game warden in a fishing or seining venture, nor to any person who has been convicted of violating the laws of this state relating to wild animals, within two years of the date of his application. No license shall be transferable nor shall any attempted transfer or assignment thereof be valid.

Subdivision 4. Such licensee shall pay as a license fee to the commissioner of the amount bid, based upon the total sum of money obtained from the sale of fish so caught. Such fees shall be paid to the commissioner monthly.

Provided, that no license shall be issued by the commissioner for commercial fishing where the compensation to be paid by the licensee or bidder is less than

10 per cent of the proceeds from fish caught where the total fish caught does not exceed 40,000 pounds per month nor less than 30 per cent of the proceeds where the total fish caught is not less than 40,000 pounds nor more than 100,000 pounds per month nor less than 40 per cent of the proceeds where the total fish caught per month exceeds 100,000 pounds.

Subdivision 5. Manner of fishing—Supervision— Such fishing shall be done under the supervision of the commissioner. The licensee shall keep a record of all transactions had in connection with such fishing and such record shall be submitted to the commissioner for inspection on his request. The licensee shall make such reports in writing to the commissioner as he may require. All fish, not permitted by this act to be taken shall immediately after the hauling of the nets be returned uninjured to the water.

Subdivision 6. Size of Nets—No nets with a mesh less than 4½ nor more than 5 inches extension measure in the pot shall be set or used or licensed for use by the commissioner for such fishing. ('19 c. 400 § 98)

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5595. Netting in certain interstate waters—Open season—Fish, other than trout, pike, bass, pickerel, sunfish, yellow perch, crappies, and catfish under 15 inches in length, bullheads under 7 inches in length, may be taken in the St. Louis river, and in the St. Croix river, including Lake St. Croix, and in the Mississippi river beyond the mouth of the St. Croix river, including Lake Pepin, and in Lake Traverse where said waters form a common boundary between this and other states, between June 15th and April 15th following, both inclusive, by means of seines, pound nets, fyke or hoop nets, gill nets, bait nets, set lines and turtle nets, provided a license to do so shall be first obtained from the commissioner. Provided, that no fishing for commercial purpose under license shall be done in any of the waters described in this section except under the personal supervision of a duly commissioned game warden, one-half of the salary and expense of said supervising warden to be paid by licensee, and, provided that the total amount for salary and expense for said supervising warden to be paid by the licensee shall not exceed the sum of two (\$2.00) per day, such supervising warden to be paid only for such time as he is actually employed, and more than one licensee may be supervised by the said supervising warden during the same day, and the said licensee, so joining, may join in the payment for such services. The provisions herein contained requiring supervision of commercial fishing by game wardens shall not apply to fishing with licensed set lines and shall not take effect and be in force as to the boundary waters between the state of Minnesota and the state of Wisconsin until the state of Wisconsin shall have enacted a similar law. Provided, further, that restrictions of this section as to open seasons for fishing and size of mesh nets, shall not apply to lakes or streams on interstate boundaries, where the laws of the adjoining state are more favorable or less restrictive in these respects than are the laws of this state, but on such interstate waters the open season for fishing and the size of mesh of nets shall be the same as provided by the laws of the adjoining state where such laws are more favorable or less restrictive than the laws of this state.

Subdivision 1. License—How procured—Fees—Such license shall be procured from the commissioner. The applicants shall make a verified application in writing to the commissioner stating (a) his name and residence, (b) the kind, size and number of seines or nets he proposes to use in such waters, and shall pay the following license fees: for each 100 feet of seine not exceeding 500 feet in length, the sum of \$1.00; for each 100 feet of seine in excess of 500 feet and not over 1,000 feet, the sum of \$2.00; for each 100 feet in excess

of 1,000 feet and not over 1,500 feet, the sum of \$3.00; for each 100 feet of seine in excess of 1,500 feet and not over 2,000 feet, the sum of \$4.00; for each 100 feet of seine in excess of 2,000 feet and not over 2,500 feet, the sum of \$5.00; for each 100 feet of seine in excess of 2,500 feet and not over 4,000 feet, the sum of \$6.00; for each gill net not exceeding 2,000 feet in length the sum of \$5.00; for each gill net exceeding 2,000 feet in length and not over 4,000 feet, the sum of \$10.00; for each gill net exceeding 4,000 feet, the sum of \$5.00 for each 1,000 feet or fraction in excess thereof, for each pound net with leader not exceeding 700 feet in length, the sum of \$5.00; for each pound net in excess of one used with one leader, the sum of \$5.00; for each fyke or hoop net the sum of \$5.00; for each bait or turtle net, the sum of \$1.00; for each set line, the sum of \$1.00, and for each metal tag furnished by the commissioner, the sum of 25 cents.

Subdivision 2. Size of mesh—No seine or net shall be over 4,000 feet long and no two seines shall be joined together in the water. The size of the mesh of nets, stretched measure, shall be as follows:

Seines—Not less than 5 inches mesh on wings and not less than 4 inches mesh in the center of the pot, such pot not to exceed 150 feet in length.

Pound or hoop nets—Not less than 6 inches mesh for the leaders and not less than 5 inches mesh for the hearts and not less than 3 inches mesh in the hoops or pounds.

Bait nets—Not less than 3 inches mesh. Such nets shall be used without leads and shall have not more than a 4-foot front.

Gill nets—Not less than 7 inches mesh.

Subdivision 3. Set lines—Number of hooks—No person shall use or set more than one set line. No set line shall have more than 300 hooks. Frogs, minnows or live bait shall not be used on the same.

Subdivision 4. License—Restrictions on issuance—No such license shall be issued to any person who has been convicted of a violation of the laws of this state relating to wild animals within five years of his application nor to any person not a resident of this state. No such license shall be transferable.

Subdivision 5. Metal tags—Attached to nets—Metal tags shall be furnished by the commissioner to each person to whom a license is issued. One such tag shall be attached by the licensee to each set line, one to each 2,000 feet or fraction of gill net, one to each 500 feet or fraction of seine, one to each pound net with leader fyke, hoop, bait or turtle net so licensed, and shall be kept thereon during all the time the same are in use.

Subdivision 6. Manner of netting—A white flag or board six inches square shall be attached to the end of each net so as to project at least two feet above the water and shall have marked thereon the number of the license under which the same is so set in figures at least three inches high. Nets shall not be raised or laid out or landed between one hour after sunset and sunrise the following morning. Every fyke net must be raised at least once in seven days. Temporary fish ponds may be erected to keep fish lawfully caught under such license until the same may be marketed. Fish so taken may be shipped to points within or without this state at any time and in any quantity.

Subdivision 7. Wisconsin license—Reciprocity—Persons duly authorized by the state of Wisconsin to take fish of all kinds specified in this section from any of the waters described herein which formed a common boundary between Minnesota and Wisconsin, may take such fish at the time and in the manner herein provided from the portion of said waters lying within the jurisdiction of Minnesota, without having first procured a license therefor from the state of Minnesota, provided that the laws of Wisconsin extend a

similar privilege to persons licensed by Minnesota to take such fish. Residents of Minnesota may be authorized by the commissioner to take fish from the St. Croix river under the same terms and conditions as residents of the state of Wisconsin are permitted to take fish from said waters.

Subdivision 8. Reports to commissioner—Written reports shall be made to the commissioner on blanks prepared by him at the end of his license period, by each person to whom such license has been issued, stating the total weight of each kind of fish taken, the price at which such fish were sold, and the total amount received from the sale of such fish. ('19 c. 400 § 99, amended '21 c. 71 § 2)

5596. Mussels—Open season—Size—Sale—Mussels, not less than 1¼ inches in greatest dimensions, including the pearly fresh water mussel or clam, or Naiad and the shells thereof, may be taken and possessed in any quantity at any time, in the manner hereafter described, in any of the waters of this state except those duly closed by the commissioner, provided a license so to do shall first be obtained from the commissioner. Such mussels may be bought, sold or transported at any time.

Subdivision 1. Areas closed to mussel taking—Commissioner's powers—The commissioner may, when in his judgment the conservation of the mussel resources of the state requires it, prescribe areas from which mussels may not be taken for a specified period or not to exceed five years, such closed areas not to exceed over one-half the mussel-producing waters of the state at the same time. All orders of the commissioner prescribing such closed areas shall be published once in a newspaper qualified to publish legal notices within each county having waters within its boundaries affected by such order, and shall take effect at the time fixed therein, but not earlier than thirty days after publication. The commissioner may, when in his judgment conditions warrant it, vacate, modify or extend any such order. No mussels shall be taken from waters included in any area so closed by the commissioner.

Subdivision 2. Mussel licenses—How procured—Form—Fees, etc.—Such license shall be procured from the commissioner and may be issued to a resident or non-resident. It shall be in such form as the commissioner may determine, but shall state what waters have been closed by the action of the commissioner to the taking of mussels, and whether the licensee is a resident of this state, and whether he has been licensed to use a dredge. The applicant shall pay to the commissioner as a license fee, if a resident, the sum of \$5.00, and if not a resident, the sum of \$50.00, and in addition thereto the sum of \$25.00 for permission to use a dredge. All licenses shall expire on the 31st day of December following. Licensees, when taking mussels, shall exhibit their licenses to any game warden upon his request.

Subdivision 3. Mussels—Manner of taking—Not more than one boat or rig may be used for taking mussels. An additional boat for towing may be used when no mussel-taking apparatus is attached thereto. Not more than four crow-foot bars, or bars having hooks attached thereto adapted for the taking of mussels, shall be had in possession by a licensee while taking mussels at any one time, and not more than two of such crow-foot bars shall be placed in the water by a licensee while taking mussels, at any one time. No crow-foot bar of more than 20 feet in length shall be used. Not more than one dredging apparatus shall be used, and no dredge, the openings of which are more than 3 feet in length, or the prongs or forks of which are more than 4 inches, shall be used. No dredge shall be used unless a license for that purpose

has been obtained from the commissioner. Pitchforks may be used in gathering clam shells. Undersized mussels, except pigtoes, shall be returned to the water without injury.

Subdivision 4. Reports of commissioner—Written reports shall be made to the commissioner on blanks prepared by him on or before December 31st, by each person to whom a license to take mussels has been issued, stating the total weight of mussels taken under authority of such license, the names and locations of the waters from which such mussels were taken, and the total amount received for the mussels sold.

Subdivision 5. Wisconsin licenses—Reciprocity—Persons duly authorized by the state of Wisconsin to take mussels from waters forming a common boundary between Minnesota and Wisconsin may take mussels from that portion of said waters within the jurisdiction of Minnesota and not closed by action of the commissioner, without having first procured a license therefor from the state of Minnesota, provided that the laws of Wisconsin extend a similar privilege to persons licensed by Minnesota to take mussels. ('19 c. 400 § 100)

5597. Mississippi river—Netting in—License—Pound nets with leaders not exceeding 75 feet in length, seines not exceeding 150 feet in length, dip nets and set lines having not more than 300 hooks, may be used in the Mississippi river, from the Falls of St. Anthony to a point 1,000 feet below the St. Croix river, and in the Minnesota river from its mouth to Mankato, to take sturgeon, sheepshead, redhorse, dogfish, buffalo-fish, catfish, carp and suckers, provided a license shall be first procured for that purpose from the commissioner. Seines so used shall have meshes of not less than 2½ inches on the bar and not less than 5 inches when extended, and shall not be used within 500 feet of the mouth of any stream. The applicant shall make a written application to the commissioner stating (a) his name and residence and (b) the place where it is proposed to use nets or seines and shall pay a license fee of five (\$5.00) dollars for each net licensed to be used, and the sum of one (\$1.00) dollar for each set line so licensed. The licensee shall not change the location of his net or seine from the place specified in his application without notifying the commissioner to that effect. No person shall use more than one set line. ('19 c. 400 § 101, amended '21 c. 71 § 1)

5598. Open season for fishing—Any variety of fish, except black bass, rock bass, crappies and sunfish, may be taken by residents of Minnesota who are citizens of the United States by means of pound nets, gill nets and fyke nets, except during the months of April, May and November, in Lake of the Woods, and during the months of November, April and the first fifteen days in May in Rainy lake, Kabetogama lake and Namekan lake, provided a license to do so shall first be obtained from the commissioner.

Subdivision 1. Such license shall be procured from the commissioner. The applicant shall make a written application, to the commissioner, stating the location, size and kind of each net he proposes to use, and shall pay the following license fees: For each pound net, the sum of \$25.00; for each fyke net, the sum of \$5.00; and for each 100 feet of gill net, the sum of \$1.00.

Subdivision 2. The size of the nets and the size of mesh of nets shall be as follows: Pound nets: Not less than 1½ inches bar measure or 3 inches stretched measure in the pound. Pound nets may be set in strings in Lake of the Woods, but there shall not be more than two nets to each such string. The shore lead shall not exceed 80 rods and the leads between the pots shall not exceed 50 rods. Said nets or strings shall not be less than 2,500 feet apart. In lakes other

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33 — 94
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than Lake of the Woods, not more than one license shall be issued for any one section. No license shall be granted until the applicant shall have satisfied the commissioner that the pound net stakes used during the previous year have been removed from the water.

Gill nets: Not less than 4 inches stretched measure for taking pickerel and pike-perch, not less than 5 inches for taking whitefish. There shall be no limitation on the length of any gill net excepting the limit provided in the license of the user. No gill net shall be set within 2,500 feet of a duly licensed pound net provided the pound net is in its rightful location under license, and is in operation.

Fyke nets: Not less than 2 inches extension measure. The hoop of such nets shall not be more than 6 feet in height, but there shall be no limitation on the height of the fyke net leads. No such net shall be more than 300 feet in length.

Subdivision 3. Licenses for more than seven pound nets or for more than 2,000 feet of gill nets, or for more than ten fyke nets shall not be issued to any one applicant. No licensee shall operate more than one-pound net station, nor shall such licensee be interested, directly or indirectly, in the ownership of any other station, nor shall pound-net stations be hereafter established within one-half mile of the location of another such station. No pound-net licensee shall use or permit to be used his fishing equipment, nets or boats at any such station other than his own, except in cases of emergency. Each licensee shall designate in his application the approximate location at which he intends to set gill net and he shall not set the same elsewhere except with the consent of the commissioner. Licenses shall not be issued in excess of the following for each body of water named:

Lake of the Woods: 60 pound nets, 75,000 feet of gill nets.

Rainy lake: 20 pound nets, 20,000 feet of gill nets.

Kabetogame lake: 10 pound nets, 10,000 feet of gill nets.

Namekan lake: 5 pound nets, 12,000 feet of gill nets.

No person shall be granted licenses to fish both pound and gill nets, but holders of pound or gill net licenses may be licensed to fish fyke nets. All licenses for pound, gill or fyke nets shall become void unless the licensee devotes his personal attention to fishing under such licenses, the provisions of this paragraph relating to the holding of both pound nets and gill nets by the same licensee, shall not apply to Rainy lake and tributary waters thereof.

No license issued hereunder shall be transferable and no assignment or attempted transfer of any rights under such license shall be valid. No licensee shall assign, transfer or attempt so to do any license or any right therein issued to him.

Subdivision 4. Numbered metal tags shall be furnished by the commissioner to each person to whom a license is issued. One such tag shall be attached by the licensee to each net so licensed, and shall be kept thereon during all the time the same are in use.

Subdivision 5. No net shall be used or set within 500 feet of the mouth of any stream, nor any net within two miles of the mouth of the Warroad river in Lake of the Woods. The mouth of the Warroad river in Lake of the Woods is hereby designated and fixed at the outside end of the breakwater therein. No nets shall be used within 2 miles of the mouth of Rainy river. The mouth of the Rainy river is hereby designated and fixed at a point in the international boundary line east of the eastern extremity of Oak Point outside of Four Mile Bay. No nets shall be used elsewhere than as stated in the license except the written consent of the commissioner be first obtained. Fish houses may be erected and used in such fishing, sub-

ject to the laws relating to fish houses in other waters.

Subdivision 6. Fish so taken may be had in possession for one week after the close of such fishing season, and may be bought, sold and transported during the open season.

Subdivision 7. No person other than the licensee or his agent shall take or remove any fish nets or seines duly licensed hereunder by the commissioner, nor shall any person knowingly injure, obstruct, disturb or interfere with such nets.

Subdivision 8. Written reports shall be made to the commissioner on blanks prepared by him at the end of each license period, stating in detail the total amount and kinds of fish caught, the amount for which such fish were sold and the total value of each kind. All persons licensed to take fish for commercial purposes in international waters shall, as a condition of such licenses, when requested of them by the commissioner, and when it can be done in connection with licensed commercial fishing, take eggs of fish for propagation purposes under such rules and regulations as the commissioner may prescribe.

Subdivision 9. The commissioner shall grant all applications for license to fish not to exceed 100 feet of gill net or fyke net not exceeding four feet in height or 300 feet in length in Lake of the Woods and Rainy lake and tributary waters thereof for domestic use of the applicant and his family, irrespective of the provisions of this section covering the amount of gill nets to be used in commercial fishing, if the applicant is otherwise entitled to a license, but no such licenses shall be granted to any commercial fisherman.

Subdivision 10. The Commissioner of Game and Fish is hereby authorized to close the season when sturgeon may be taken to conform with the laws or rules of the Department of Game and Fish of the Province of Ontario, Canada.

Subdivision 11. The various provisions of this act shall be severable, and if any part or provision shall be held to be invalid it shall not be held to invalidate any other part or provision hereof. ('19 c. 400 § 102, amended '23 c. 349 § 1)

5599. Lake Superior fishing—Herring and trout—Open season—Herring, lake trout and ciscoes may be taken by residents of Minnesota who are citizens of the United States, by means of gill nets of the sizes herein specified and by the aid of skiffs and power boats, except during the month of November, in that part of Lake Superior under the jurisdiction of Minnesota, provided a license to do so shall be first obtained from the commissioner. Herring may also be so taken from said water during the month of November, unless the state of Wisconsin shall provide a similar close season for such fishing in Lake Superior. Lake trout may also be taken by set lines. Herring, lake trout or ciscoes so taken may be had in possession, bought, sold and transported within or without the state during open season and for a period of one week thereafter.

Subdivision 1. **Size of mesh—**The size of mesh of nets shall be as follows:

(a) Gill nets for taking herring of not less than 2½-inch mesh, provided that not less than 2¾-inch mesh nets may be used until the state of Wisconsin shall provide by law for a limit not less than 2½-inch mesh.

(b) Gill nets for taking lake trout, not less than 4¼ inches mesh, extension measure.

(c) Gill nets for taking ciscoes, not less than 2¾ inches mesh, extension measure. Nets for taking ciscoes shall be set in water not less than 60 fathoms in depth.

Subdivision 2. Licenses—How procured—Fees—Such license shall be procured from the commissioner.

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The applicant shall make a verified written application to the commissioner on a form prepared by him, stating (a) his name and residence, (b) the number and size of nets and the number and size and kind of boats he proposes to use, and shall pay the following license fees: For each skiff to be used by one person, the sum of \$2.00; for each skiff to be used by two persons, the sum of \$4.00; for each power boat of one gross ton capacity or less, the sum of \$5.00; for each power boat of from one to five gross tons capacity, the sum of \$10.00; for each power boat of five gross tons capacity, the sum of \$25.00, and for each power boat of more than five gross tons capacity, the sum of \$2.00 for each gross ton or fraction thereof in excess of five gross tons. Licenses shall not be transferable and shall be issued for one fishing season only.

Subdivision 3. Packages to be marked—The name and license number of the person licensed to take fish under this section shall be legibly marked by stencil or otherwise, on each package of fresh or salted fish caught by such licensee. It shall be unlawful to ship, sell or offer for sale any spoiled or unwholesome fish. Any package containing spoiled or unwholesome fish shall be contraband and the same may be confiscated.

Subdivision 4. Location of nets—No net shall be set within one-fourth mile of the mouth of any stream flowing into Lake Superior.

Subdivision 5. Protection for nets—No person, other than the licensee, or his agent, shall take or remove any fish from nets set by persons licensed under this act, nor shall any person knowingly injure, disturb or interfere with such nets.

Subdivision 6. Reports—Written reports shall be made to the commissioner on forms prepared by him for that purpose, by each licensee at the close of the season, stating in detail the amount and kind of fish caught, the amount for which the same were sold, and the total value of each kind.

Subdivision 7. Depositing offal—No person shall deposit, or allow to run into Lake Superior or any of the waters tributary thereto, any fish gurry, or fish offal, or other deleterious substance. (19 c. 400 § 103)

5600. Destruction of carp, damaging duck feeding places—Carp, inhabiting the waters of any lake containing wild celery beds, may at any time and in any manner be taken, and removed from such waters by the commissioner, or the commissioner may enter into a contract for the taking and removal thereof. In case such carp are removed under a contract with the commissioner, he or a warden shall supervise such removal, and the expense of such supervision shall be paid by the contractor.

Subdivision 1. Fish to be taken—Bullheads, dogfish, garfish, sheepshead, buffalofish, eelpout and suckers taken together with carp, may be retained, but all other fish taken in such operations shall be released and returned to the water.

Subdivision 2. Sale of—Fish so caught shall be sold by the commissioner, or by the contractor, and the net proceeds of such sale or the amount due under the contract, shall be paid into the state treasury. ('19 c. 400 § 104)

5601. Obstructions to commercial fishing—Removal of—No person shall knowingly place or maintain any obstruction which will hinder, prevent or interfere with licensed commercial fishing, except lawfully constructed docks or boat landings, licensed fishing apparatus, or boats or buoys properly anchored, in any of the waters of this state, including those over which Minnesota has concurrent jurisdiction with other states. Every such obstruction is hereby declared to be a public nuisance and may be summarily abated by any person. Licensed fishing nets, when necessary, may be removed by a licensee operating seines, provided that

no injury shall be done to said nets, and provided the same be immediately reset as soon as the seines have been drawn. ('19 c. 400 § 105)

5602. Obstructing navigation—No person shall willfully set or use any nets in any established route or channel or navigation so as to interfere with navigation in any of the waters of this state. ('19 c. 400 § 106)

5603. Certain waters closed to commercial fishing—All that part of the waters known as Raft Channel, which lies in Houston county, hereby is closed to commercial fishing, and commercial fishing shall not be permitted or carried on therein or thereon. ('23 c. 186 § 1)

5604. Revolving fund for conducting state fishing operations—There is hereby created a state fishing revolving fund available for the purpose of conducting state fishing operations as hereinafter prescribed. Said fund shall consist of all moneys heretofore or hereafter collected by the state game and fish commissioner as agent for the Minnesota commission of public safety in state fishing operations, and the said commissioner is hereby directed to pay over all moneys so collected to the state treasurer of the state of Minnesota, and an amount of money equal to the amount so paid over by said commissioner to said treasurer is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to said commissioner for the purpose of a revolving fund to be used in carrying out the provisions of this act.

All moneys hereafter received in the course of such fishing operations are hereby added to said revolving fund, and the expenses of such operations shall be paid in the same manner as other claims against the state are paid. ('19 c. 341 § 1)

5605. Game and fish commissioner authorized to remove fish under certain conditions—Whenever, after an investigation, the game and fish commissioner finds that any of the following conditions exist:

(1) That rough or non-game fish inhabit any of the public waters of this state in such numbers as to interfere with or prevent the natural propagation of game fish therein.

(2) That the taking and removal of a portion of such rough or non-game fish will result in an improvement of the quality of the fish remaining in such waters.

(3) That such removal is necessary and desirable to properly cultivate and preserve any species of fish therein.

(4) That such removal will be in accordance with the generally accepted principles of scientific fish culture, and

(5) That such removal may be undertaken and accomplished without the undue depletion of any species of fish therein.

(6) That such waters are not suitable for taking fish by angling: Then, and in such case he may provide, by contract, or by day labor under his supervision or both, for the taking and removal of a portion of any fish therein by means of nets, by any other devices not deemed by him to be inconsistent with fish propagation, provided the commissioner shall not conduct said operations in any waters of this state where commercial fishing is being carried on by persons duly licensed by him. Provided, that no fish, except carp, buffalofish, sheepshead, tullibees, bullheads, dogfish, burbot, suckers and goldeyes, shall be taken under the provisions of this act from any lake of less area than two hundred square miles. ('19 c. 341 § 2, amended '21 c. 109 § 1)

5606. Surplus sold—Proceeds to revolving fund—Fish so taken and removed shall be sold by the commissioner at not more than the prevailing market

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173m 559
218nw 123

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price, and the proceeds of such sales shall be paid by the commissioner into the state treasury and by the treasurer credited to the revolving fund aforesaid. Fish so taken and sold shall not be shipped to points without the state, except that any surplus, after all obtainable orders within the state have been supplied, may be shipped either within or without the state. Any person shipping fish in violation of this section shall be guilty of a misdemeanor. ('19 c. 341 § 3, amended '21 c. 109 § 2)

5607. Commissioner given power to prescribe rules—Said commissioner is hereby granted authority to prescribe reasonable rules and regulations for the taking of such fish by a contractor, and may also require a bond of the contractor, conditioned upon his faithful observance of the terms and conditions of his contract and the rules and regulations of the commissioner with such sureties and in such amount as he may deem proper. ('19 c. 341 § 4)

5608. \$20,000 bond required—In addition to the official bond already required to be given by said commissioner, he shall, before undertaking any operations hereunder, give a bond to the state in the sum of \$20,000.00 conditioned upon his faithful compliance with the provisions of this chapter. ('19 c. 341 § 5)

5609. Inconsistent acts repealed—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. ('19 c. 341 § 6)

5610. State game refuges—Wholly closed to hunting—Establishment—Whenever all the owners, lessees or persons in possession of lands located outside the corporate limits of any city or village, present a petition to the commissioner requesting him to set aside such lands as a state game refuge, the commissioner may, without notice or hearing, set aside such lands as a state game refuge. The petitioners shall thereafter post signs, to be furnished by the commissioner, in conspicuous places upon said lands. Said signs shall state that the lands are a state game refuge and that trespassing thereon by a person carrying firearms is prohibited under penalty of the law. The commissioner may at any time, acting upon his own motion or upon petition, vacate or modify such order. No person shall take any quadruped protected by law, or any game bird, nor shall any person carry firearms on any game refuge established hereunder. ('19 c. 400 § 107)

5611. State game refuges—Partially closed to hunting—Establishment—Whenever 25 or more residents of any county or counties in this state, owning real property therein, presents a petition to the commissioner describing certain lands and requesting that a closed season for the taking of game birds or quadrupeds protected by law be ordered therein, then and in such case the commissioner shall fix a date for a hearing on said petition, and shall post in five of the most conspicuous places in such proposed game refuge, at least fifteen days prior thereto, a notice of said hearing. If it shall appear at said hearing that by reason of the depletion of game birds or protected quadrupeds therein, the same are in danger of extermination, and that the proposed closed season is in the public interest, then and in such case the commissioner shall declare a close season, either permanently or for a specified number of years thereon, and make his order reciting the same. Fifteen days after the posting of said order in said district (as provided herein for the posting of the notice of hearing), it shall take effect and be in force. Said order may be vacated, modified or revised upon a similar notice, hearing, order and posting. No person shall take any quadruped protected by law, or any game bird, on any game refuge established under this section. ('19 c. 400 § 108)

5612. Restrictions on establishing—No game refuge shall be established of less than 640 acres of contiguous

lands, provided that refuges of less than 640 acres in area may be established for the protection of waterfowl. ('19 c. 400 § 109, amended '21 c. 44 § 9)

5613. Hunting privileges—Excepted from game refuges—Hunting or trapping rights on lands where wild animals may be lawfully taken, owned or acquired, by any person in good faith before the commencement of proceedings to establish a game refuge thereon, and in force at the time such game refuge is established, may, in the discretion of the commissioner, be excluded and excepted from the prohibitions relating to the taking of wild animals on such game refuge. ('19 c. 400 § 110)

5614. Game refuges—What includes—Any game refuge so established shall include all public waters and all state, federal or public lands enclosed within the boundaries thereof, and may include adjacent public waters, state, federal or public lands, in the discretion of the commissioner. ('19 c. 400 § 111)

5615. State parks—Additional protection—No person shall take or disturb any game birds or quadrupeds protected by law, on any state parks, or upon any lands which may be designated by the commissioner as game propagating or breeding grounds. Provided, however, wolves and other noxious animals on such lands or parks may be killed or destroyed in any manner under the supervision and direction of the commissioner, and he may prescribe and enforce additional measures of protection for wild animals in such parks. This section shall not be construed to prevent the killing of wolves at any time or in any place by persons living within or adjacent to any game refuge. ('19 c. 400 § 112)

5616. State parks—Possession of firearms—No person, including Indians, shall take or disturb or have in possession any wild bird or quadruped or any part thereof within the limits of any territory set apart, designated, used or maintained as a state public park or within one-half mile of the outer limits thereof, and no person shall have in possession within such park, or within one-half mile of the outer limits thereof, any gun, revolver or other firearm, unless the same is unloaded and duly sealed by the park commissioner, and is maintained so sealed and unloaded during the time it is kept within the park. ('19 c. 400 § 113)

5617. Trapping fur-bearing animals on game refuges and parks—The commissioner may, in his discretion, employ persons to take injurious species of wild animals and fur-bearing animals by traps on any duly established state game refuge or state park, under such rules and regulations as he may prescribe. Provided, insofar as Itasca State Park is concerned the authority conferred by Sections 112, 113 and 114 hereof, on the commissioner shall be exercised jointly by the commissioner and the state forestry board, and in all other respects said park shall continue under the control, management and supervision of the state forestry board. ('19 c. 400 § 114)

5618. Freeborn County Game Refuge and Game Farm established—There is hereby located and established a game refuge and game farm for the propagation, preservation, protection and breeding of wild fowl and wild game bordering on and adjacent to Albert Lea lake and Fountain lake and the tributaries thereof and the waters immediately adjacent thereto in Freeborn county, Minnesota, to be known as the Freeborn County Game Refuge and Game Farm. ('21 c. 405 § 1)

5619. Game and fish commissioner to manage—The said game refuge and game farm shall be subject to the management and control of the Game and Fish Commissioner of the State of Minnesota, as now constituted and existing by virtue of the laws of this state. ('21 c. 405 § 2)

5620. Land to be acquired—The said Game and Fish Commissioner is hereby authorized, empowered and directed, as soon as practicable after the passage of this act, to acquire by gift, lease, purchase or condemnation in the name of and in behalf of the State of Minnesota, any real property, lands, premises, right-of-way, or easement, public or private, that may be necessary, convenient or proper for the establishment, equipment and development of said game refuge and game farm; and in case the owner of any real estate, lands or premises and the said Game and Fish Commissioner cannot agree as to the value of the premises taken or so to be taken for any such use, the value thereof and the price so to be paid therefor shall be determined by the appraisal of three competent, disinterested persons, residents of said county, commissioned by the commissioner to ascertain and determine the amount to be paid by said Game and Fish Commissioner by the Judge of the District Court in and for the County of Freeborn in accordance with the statutes of this state applicable thereto. ('21 c. 405 § 3)

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PART VIII—BREEDING WILD ANIMALS

5621. Fish raised in private hatcheries—Sale of—Any person desiring to engage in the business of propagating and selling fish raised in a private hatchery may make application in writing on a form prepared by the commissioner for a permit so to do. The commissioner, when it appears that such application is made in good faith, and when satisfied of the intention and ability of the applicant to construct and maintain all ponds, buildings and hatching and rearing equipment necessary for the artificial propagation of such fish, shall, upon payment of a fee of \$5.00, issue to such applicant a permit to propagate, raise and sell fish of the kind specified in the application, during the entire calendar year; provided, however, that before any fish shall be transported, sold or offered for sale, the package containing the same shall be duly tagged under regulations prescribed by the commissioner. Upon obtaining a like permit, fish raised in a private hatchery without the state may be possessed and sold within this state, provided the same shall be tagged as prescribed under rules and regulations of the commissioner. Such permit shall expire on the last day of December in each year. ('19 c. 400 § 115, amended '21 c. 44 § 10)

5622. Fish screens—Permits for—Fish screens for the purpose of commercial trout culture may be constructed and maintained in any spring fed stream within the state which is not inhabited by trout, provided a permit so to do shall be first obtained from the commissioner. ('19 c. 400 § 116)

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5623. Breeding of game birds and quadrupeds—Any person desiring to engage in the business of raising and selling domesticated game birds and quadrupeds in a wholly enclosed preserve of which he is the owner or lessee or person in possession, may make application to the commissioner on a form prepared by him, for a permit so to do, stating (a) the name and residence of the applicant, (b) a description of the premises where it is proposed to breed and raise such animals and (c) the number and kinds of such animals in his possession at that time, and whether they are wild or domesticated. The commissioner, when it shall appear that the application is made in good faith, shall, upon payment of a fee of \$1.00, issue to such applicant a breeder's permit, authorizing such applicant to breed and raise domesticated game birds or quadrupeds on such preserve and to sell the same alive at any time for breeding or stocking purposes and to kill and transport the same and sell the same or any part thereof under rules and regulations prescribed by the

commissioner. Such permit shall expire on the last day of December in each year. The licensee shall report annually to the commissioner the total number and kinds of such animals in his possession. No fee shall be required of persons raising game birds for domestic use or as pets. An annual head tax of 75 cents on each domesticated fox shall be paid to the county treasurer which shall be in lieu of all other taxes. ('19 c. 400 § 117)

5624. Capture wild animals for breeding purposes—Wild animals may be captured and the eggs of birds may be taken, and thereafter had in possession, for the purpose of breeding, under such rules and regulations as the commissioner may prescribe. ('19 c. 400 § 118, amended '21 c. 44 § 11)

5625. Prosecutions—Burden of proof—In any prosecution under the provisions of this chapter, the burden of establishing the fact that the animals alleged to have been unlawfully taken, were domesticated and reared in a private preserve, or raised in a private fish hatchery, or taken for scientific purposes, or lawfully taken without this state, shall rest upon the defendant. ('19 c. 400 § 119)

5626. Scientific collections—Permits—Any municipal corporation, incorporated society of natural history, college or university, maintaining a zoological collection and desiring to collect eggs, nests or wild animals protected by law, for scientific or exhibition purposes, shall make an application to the commissioner on a form prepared by him for a permit, so to do. The commissioner, when it appears that such application is made in good faith, shall without the payment of any fee, issue to such applicant, a permit to collect specimens of eggs, nests, or wild animals protected by law, under regulations to be prescribed by the commissioner. The United States commissioner of fisheries may establish fish hatcheries in this state and may take fish eggs from the waters of this state for propagation and scientific purposes. The United States commissioner of fisheries and his duly authorized agents are hereby authorized to conduct fish cultural operations, rescue work, and all fishing and other operations necessary therefor in such manner and at such times as is considered necessary and proper by the said commissioner and his agents. ('19 c. 400 § 120)

5627. Office of commissioner continued—There shall continue to be a state game and fish commissioner charged with the execution of the game and fish laws. He shall be appointed by the governor, and, after the termination of the term of office of the incumbent at the time this act takes effect, shall hold his office for the term of four years and shall give a bond to the state in the sum of \$5,000.00. He shall have an office in the capitol and shall be provided with an official seal and with suitable office equipment, including furniture, stationery, blanks and postage. ('19 c. 400 § 121, amended '21 c. 37 § 1)

5628. Biennial report—He shall on or before December 1st of each even-numbered year make a report to the governor. Such report shall contain an account of the doings of the department, a summary of all its financial transactions, showing amounts received from all sources, and a brief classified statement of the purposes and amounts of disbursements, and such recommendations as he may deem proper. The books and vouchers of the commissioner shall be subject to examination by the public examiner at all times. ('19 c. 400 § 122)

5629. Appointment of wardens and assistants—Bonds—Said commissioner may appoint and at his pleasure remove a superintendent of fisheries and such wardens, game refuge patrolmen and office and scientific assistants as he deems necessary. He may fix their periods of service and their compensation. Said

wardens shall make written reports of their doings to the commissioner under rules and regulations prescribed by him. The superintendent of fisheries shall give a bond to the state in the sum of \$1,000.00 and each warden and patrolman shall give a bond to the state in the sum of \$500.00. Said bonds shall be conditioned for the faithful discharge of their respective duties and shall be approved by the commissioner and filed in the office of the secretary of state. He may also appoint, without compensation, a warden or deputy game warden of the state of Wisconsin to the office of game warden in this state. ('19 c. 400 § 123)

5630. Commissioner—General powers and duties— He shall be charged with the execution of the laws of this state relating to wild animals, and he shall have the power and it shall be his duty:

(1) To preserve and cultivate varieties of wild animals deemed by him to be of value to the public, and to destroy, kill and exterminate, varieties of unprotected and predatory animals deemed by him to threaten injury to, or destruction of other animals, or to retard the growth or development of other animals.

(2) To receive and acquire by purchase, gift, exchange, or other arrangement, specimens of wild animals, and of the eggs of wild birds, and of fish eggs, for breeding and stocking purposes.

(3) To take fish or fish eggs, or to authorize such taking, from any of the public waters of this state in any manner during the open or close season for the purpose of stocking other waters herein, and may sell such fish as are necessarily killed in taking fish eggs and may sell suckers, redhorse or mullets taken in connection with such spawning, the proceeds of the sale of such fish to be paid into the state treasury as required of other receipts of the department.

(4) To collect, compile, disseminate and publish statistics and information germane to the purposes of this act.

(5) To acquire by gift, or by purchase or condemnation when money has been appropriated therefor, the fee title to land, or any easement therein, suitable for game farm or fish hatchery purposes, to construct and maintain buildings and hatcheries on sites so acquired, and to manage, superintend and control those already or hereafter established.

(6) To set aside and reserve any of the waters of this state for the purpose of fish propagation, and by order designate certain streams as trout streams. The taking of fish from any of the waters so reserved and set aside, except as may be permitted by the commissioner, is prohibited.

(7) To make rules and regulations relating to the breeding of wild animals and such other matters as may be specifically mentioned in this chapter as requiring rules and regulations to be adopted by him. ('19 c. 400 § 124)

The first State Hatchery is located at St. Paul ('01 c. 23); a second at Glenwood ('03 c. 211); a third at Deerwood ('07 c. 275) a fourth at Detroit ('11 c. 77); a fifth at Granite Falls, etc., ('13 c. 246); and a sixth at St. Louis County or Lake County ('13 c. 479). As to salaries of Superintendents of St. Paul and Glenwood Hatcheries, see § 5653 et seq. See ('15 c. 359) authorizing sale of the property of the third State Fish Hatchery at Deerwood, and '17 c. 504, establishing an eighth hatchery south of the Minnesota River, and '19 c. 401 establishing seventh Hatchery on Rainy Lake. As to condemnation for fish hatcheries See, '17 c. 3.

5631. Police powers—Commissioner and wardens— The state game and fish commissioner, game refuge patrolmen and game wardens are hereby authorized and empowered:

(1) To execute and serve all warrants and processes issued by any justice of the peace or magistrate, or by any court having jurisdiction under any law relating to wild animals in the same manner as any constable or sheriff may serve and execute such proc-

esses, and to arrest with or without a warrant any person detected in the actual violation, or whom such officer has reasonable cause to believe guilty of the violation of any of the provisions of this chapter, and to take such person before any court in the county in which the offense was committed, and make proper complaint.

(2) Upon receiving notice or information that any provision of this chapter has been violated, to make a thorough investigation thereof as soon as possible and to cause proceedings to be instituted if the proofs at hand warrant it.

(3) To enter and inspect any hotel, restaurant, cold storage warehouse, plant, ice house or building, actually used for the storage of dressed meats, game or fish, for the purpose of determining whether game or fish are kept or stored therein in violation of this chapter, and with or without a warrant to open, enter and examine all buildings, camps, vessels, boats, wagons, automobiles or other vehicles, cars, stages, tents, suit cases, valises, packages, crates, boxes or other receptacles and places where they have reason to believe the wild animals, taken or held in violation of this chapter, are to be found. Wilful hindering, obstructing, interfering or refusing such inspection shall constitute a misdemeanor.

(4) To seize and confiscate in the name of the state any wild animal, including birds or fish or carcasses or parts thereof, caught, killed, taken or had in possession or under control, or sold or transported in violation of this chapter, and to seize, confiscate and dispose of all guns, firearms, nets, boats, lines, rods, poles, fishing tackle, lights, lanterns, snares, to unlawfully use the same in pursuing, taking, attempting to take, conceal or dispose of, or transport such wild animals. Articles which have no lawful use may be summarily destroyed. All confiscated wild animals or carcasses or parts thereof, and all confiscated apparatus, appliances or devices shall, if not destroyed as authorized by law, be retained by the commissioner for the use of the department or sold at the highest price obtainable by the commissioner or game wardens, or by an agent of the commissioner, under written authority and supervision of the commissioner. The net proceeds of such sales, after deducting the expense of seizure and sale, and any such commissions, shall be promptly remitted by the warden by whom and under whose authority and supervision the sales were made, to the commissioner, and by him paid into the state treasury; the remittance to be accompanied by the complete and certified report of such sales, supported by proper vouchers covering all deductions made for expenses and commissions, to be filed for record in the office of the commissioner.

(5) To open and examine any packages in the possession of a common carrier which they suspect or have reason to believe contains contraband, or is falsely labeled in violation of the provisions of this chapter; and every such common carrier and every agent, servant or employe thereof shall permit any such officer to examine and open any such package. Any package so opened shall be restored to its original condition. Violations of this section shall be a misdemeanor, and such officers shall, in the performance of their official duties, be exempted from any and all liability to any person for acts done or permitted, or property destroyed by authority of law. ('19 c. 400 § 125, amended '21 c. 44 § 12)

(4) 138-369, 165+132.

5632. Search warrants—Upon complaint made to any magistrate who has authority to issue warrants in criminal cases by any person that he knows or has good reason to believe that any wild animal, or car-

cass or part thereof, caught, taken, killed or had in possession or under control by any person, or sold or transported contrary to the provisions of this chapter, is concealed or illegally kept in any building, car or receptacle, such magistrate shall issue a search warrant and cause a search to be made in such place for any such wild animals, or parts thereof, and may cause any building, inclosure or car to be entered and any apartment, chest, box, crate, basket, package or any other receptacle whatever to be broken, opened and examined. The property so seized under such warrant shall be safely kept under the direction of the court or magistrate so long as necessary for the purpose of being used as evidence on any trial, and if such trial results in a conviction the property so seized shall be confiscated. ('19 c. 400 § 126)

5633. Commingled shipment—Confiscation of any part of a shipment shall include the entire shipment, and whenever two or more wild animals, carcasses or parts thereof, are packed, stored or contained in the same bag, crate, box or other receptacle, or are otherwise commingled and one or more thereof are contraband, then and in such case the whole shipment or parcel shall be deemed contraband. ('19 c. 400 § 127)

5634. Assistance of local authorities—The county attorneys, sheriffs, constables and other peace officers, are hereby required and it is made their duty, to enforce the provisions of this chapter. ('19 c. 400 § 128)

5635. Obstructing commissioner — Prohibited — No person shall wilfully hinder, resist or obstruct the commissioner, game wardens, agents or employes of the commissioner in the performance of their official duties. A civil action in the name of the state to recover damages resulting from such obstruction and to enjoin the continuance thereof may be instituted against any person violating this section, by the attorney general on the request of the commissioner. ('19 c. 400 § 129)

5636. Disposition of fines—All fines collected for violation of any of the provisions of this chapter shall be paid into the county treasury of the county where the conviction was had and be accredited to its general revenue fund. ('19 c. 400 § 130)

5637. Removal of fish from shallow lakes—The commissioner may, whenever after investigation, he finds that any fish are in danger of smothering in winter by reason of the shallowness of the waters inhabited by them, take the same in any manner at any time from such shallow lakes or sloughs, and may transfer such as may be suitable for stocking purposes to other waters in this state, and may sell such as not deemed suitable by him for stocking purposes, or he may issue permits so to do to other persons. ('19 c. 400 § 131)

5638. Rewards—Rewards may be paid by the commissioner to persons, other than salaried game wardens or peace officers for information leading to the arrest and conviction of any person violating any of the provisions of this chapter, as follows: For violating provisions hereof relating to moose, the sum of \$50.00; for violating provisions hereof relating to deer, the sum of \$25.00; for violating provisions hereof relating to other quadrupeds, birds, or fish, the sum of \$10.00. Such rewards shall be paid out of any funds appropriated to the commissioner. ('19 c. 400 § 132)

5639. Destruction of predatory animals—Predatory wild animals, whether protected by law or not, may, when threatening to destroy or to interfere with the breeding or propagation of protected wild animals, be destroyed or killed under such rules and regulations as the commissioner may prescribe. ('19 c. 400 § 133)

5640. Additional protection — Governor's orders—Whenever the governor, after investigation by the

commissioner, finds that any species of wild animals, as defined herein, for which an open season is provided, is in danger of undue depletion or extinction, or when necessary for the proper protection of propagating and immature wild animals, he may by an order provide protection for such species, additional to that provided by law, and to that end, may prescribe in what manner, in what numbers, in what places and at what times the same may be taken. Any order issued by the governor pursuant to this section shall have the force of law and the penalties prescribed for violations of this chapter shall follow and be applicable to violations of any such order to same effect and extent respectively, as though such order had been enacted as a part of this chapter. No such order shall be valid after the close of the regular session of the legislature next succeeding its issuance. Any resident of this state may appeal from an order issued under this section by filing within thirty days thereafter a notice of appeal, specifying the grounds on which it is based, with the clerk of the district court of the county of his residence. The court, shall after hearing, if it finds any reasonable foundation exists for said order, sustain the same, but if it finds the same to have been arbitrarily issued, it shall set the same aside. ('19 c. 400 § 134)

5641. Fox farms may not be entered—From and after the passage of this act it shall be unlawful for any person without the consent of the owner, lessee or caretaker of a ranch or other enclosure in this state where foxes are kept in captivity for breeding purposes, to enter upon the private grounds belonging to or under the control of the owner or owners of said animals, within a distance of twenty-five yards from the outer fence or enclosure or to pass within, through or over the outer fence or enclosure within which the pens or dens of said animals are located and upon which said fence or outer enclosure notices forbidding trespassing on the said premises are kept posted so as to be plainly discernible at the said distance of not less than twenty-five yards. Provided, however, that the act shall not apply to such enclosure erected within twenty-five yards of any public highway or within twenty-five yards of any land adjoining the land upon which such enclosure may be or is erected. ('21 c. 263 § 1)

5642. Violation a misdemeanor—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. ('21 c. 263 § 2)

5643. Publication of orders and rules—All orders and all rules and regulations affecting the entire state promulgated by the commissioner shall be published once in one qualified newspaper in Minneapolis, St. Paul and Duluth. All such orders, rules and regulations not affecting the entire state shall be published once in one qualified newspaper in each county affected. No order, rule or regulation shall take effect until after such publication. ('19 c. 400 § 135)

5644. Publication of laws relating to wild animals—As soon as practicable after the adjournment of the legislature in each year, the commissioner, with the assistance of the attorney general, shall make a compilation of the laws relating to wild animals as amended at the date of such compilation, and properly index the same. Copies of said compilation sufficient in number for the purposes of this section, shall be printed in pamphlet form of pocket size under the direction of the state printer, and shall be distributed by the commissioner as follows: 50 copies to each senator, 25 copies to each representative and 10 copies to each county auditor; 10,000 copies shall be printed by the commissioner for general distribution. It shall be the duty of the commissioner to prepare and issue a syllabus

bus of said laws and to deliver to county auditors a sufficient supply for furnishing one copy to each person procuring a hunting or trapping license, and each such person shall be entitled to one copy of said syllabus. ('19 c. 400 § 136)

PART X—CONCURRENT JURISDICTION

5645. **Common boundary waters**—The taking of game birds and quadrupeds and the taking of fish with licensed nets or set lines, in any of the waters which form a common boundary between Minnesota and other states of the United States, contrary to the laws of either of the states so bounded, is hereby prohibited, provided, the commissioner may license the seining of rough or non-game fish in said waters in accordance with this chapter. ('19 c. 400 § 137)

5646. **Reciprocal jurisdiction—Courts and wardens**—Courts of this state sitting in the counties contiguous to said waters, and game wardens of this state, shall have jurisdiction over the entire boundary waters of this state, and concurrent jurisdiction of the courts and administrative officers of the states of North Dakota, South Dakota and Wisconsin, over all boundary waters between such states is hereby recognized. ('19 c. 400 § 138)

5647. **Reciprocity in licenses**—Whenever and so long as the states of Wisconsin, North Dakota and South Dakota, confer upon the licensees of this state reciprocal rights, privileges and immunities, any commercial fishing license issued by such other state shall entitle the licensee to all the rights, privileges and immunities in and upon the boundary waters between such state and this state, enjoyed by the holders of equivalent licenses issued by this state; subject, however, to the duties, responsibilities and liabilities imposed on its own licenses by the laws of this state. ('19 c. 400 § 139)

5648. **Open season for fishing in boundary waters**—In all cases where the date for the opening of the season for taking fish in waters forming a common boundary between this and other states, except the Mississippi and St. Croix rivers, is later, or where the day for the closing of the season for taking fish in such waters is earlier in Minnesota than it is in any other state or states bounded by such waters, then and in such case the game and fish commissioner shall promulgate and publish an order fixing the days for the opening and the closing of the season for taking fish in such waters coincident with the opening and closing days of the season of such other state for taking fish in such waters, and thereafter and until said order is amended or repealed such open season for taking fish in such water shall be as in said order provided. The game and fish commissioner is hereby authorized and empowered to enter into arrangements jointly with the proper authorities of such other state bounded by such waters for the supervision of fishing therein, for the stocking thereof, for the enforcement of fishing laws of both states in such waters, and for locating the boundary line. ('21 c. 193 § 1)

PART XI—DEFINITIONS AND CONSTRUCTION.

5649. **Definitions**—The following words and phrases used in this chapter are defined as follows:

(1) "Angling" means taking fish by hook and line in hand, or rod in hand, with not to exceed more than one bait attached thereto, nor with more than one such line or rod.

(2) "Contraband" means any quadruped, bird, fish or any part thereof, whether edible or not, caught, killed, transported or had in possession contrary to the provisions of this chapter and all instrumentalities and devices used in taking wild animals in violation hereof.

(3) "Commissioner" means the state game and fish commissioner.

(4) The term "game birds" means the anatidae or water fowl, commonly known as swan, geese, river and sea ducks; the rallidae, commonly known as rails, gallinules, coots or mudhens; the gallinae, or upland game birds, commonly known as grouse, prairie chicken, pheasants, partridges and quail; the limicolae or shore birds, commonly known as plover, snipe and woodcock, and the columbae, commonly known as pigeons and doves.

(5) "Open season" means the time during which fish, fowl, birds and quadrupeds may be taken.

(6) "Closed season" means the time during which fish, fowl, birds and quadrupeds may not be taken.

(7) "Taking" includes pursuing, shooting, hunting, killing, capturing, trapping, snaring and netting wild animals and all lesser acts, such as disturbing, harrying or worrying or placing, setting, drawing, or using any net or other device commonly used to take wild animals, and includes every attempt to take and every act of assistance to any other person in taking or attempting to take birds or quadrupeds. A person who counsels, aids or assists in a violation of any of the provisions of this chapter, or knowingly shares in any of the proceeds of said violation by receiving or possessing either fish, birds or quadrupeds shall be deemed to have incurred the penalties provided in this chapter against the person guilty of such violation. Whenever taking is allowed by law, reference is had to taking by lawful means and in lawful manner.

(8) "Hunting" includes pursuing, shooting, killing, capturing and trapping birds or quadrupeds and all lesser acts, such as disturbing, harrying or worrying or placing, setting, drawing or using any device commonly used to take birds or quadrupeds; and includes every attempt to take and every act of assistance to any other person in taking or attempting to take birds or quadrupeds.

(9) "Game" includes all game birds and all quadrupeds for which a close season is provided, whether domestic or imported.

(10) "Pike" means that variety of fish called yellow pike, wall-eyed pike or pike-perch.

(11) "Pickerel" includes the great northern pike, pond pickerel, chain pickerel, grass pickerel and banded pickerel.

(12) "Minnows" means all genera or species of fish not ordinarily attaining a length of more than four inches at maturity.

(13) "Fur-bearing animals" means all quadrupeds except deer, moose or caribou.

(14) "Resident," unless otherwise specified, means any person who has resided in this state for at least six months.

(15) "Person," except when used in reference to the issuing of licenses to take game fish, birds or quadrupeds, includes a co-partnership, joint-stock company, association or municipal or private corporation.

(16) "Possession" means actual or constructive possession or control.

(17) "Sale" includes any offer to sell, or having in possession with intent to sell in violation of law.

(18) The term "any part thereof" used in reference to any animal, includes the hides, hoofs, horns, plumage or skin of the animals referred to.

(19) The term "wild animals" means all living creatures not human, wild by nature, endowed with sensation and the power of voluntary motion, and includes quadrupeds or mammals, birds and fish.

(20) The term "waters of this state" includes all the boundary waters of this state.

(21) Gender and number shall be disregarded in construing this chapter whenever it is necessary to carry out the spirit thereof. ('19 c. 400 § 140)

(16) 138-369, 165+132.

5650. Construction—This chapter is intended to be a restatement of existing law with such changes as clearly appear, and its provisions, so far as they are the same as those of existing statutes, shall be construed as continuations thereof and not as new enactments. Any of the provisions of this chapter inconsistent with the existing code of criminal procedure or of penal law shall be effective for the purposes of this chapter only. ('19 c. 400 § 141)

5651. Repeals—The several laws hereafter enumerated shall be expressly repealed from and after the taking effect of this chapter.

General Statutes, 1913—Sections 4756 to 4910, both inclusive, and section 8805.

Session Laws, 1915—Chapters 181, 237, 261, 276, 287, 288, 347, 348, 351, 352 and 355.

Session Laws, 1917—Chapters 84, 85, 96, 121, 176, 225, 226, 249, 252, 253, 281, 310, 333, 385, 386, 413, 452, 468, 478, 483, 497, 500, 501, 503 and 505. ('19 c. 400 § 142)

5652. Implied repeals—All acts and parts of acts inconsistent with the provisions of this act and not herein expressly repealed, are hereby repealed. ('19 c. 400 § 143)

5653. Salaries of game and fish commissioner and assistants—The yearly salaries of the state officers and employes named in this act shall be as herein fixed, and shall be payable in monthly installments:

Game and fish commissioner, thirty-five hundred (\$3,500.00) dollars; first assistant, two thousand (\$2,000.00) dollars; chief clerk, sixteen hundred (\$1,600.00) dollars; bookkeeper, twelve hundred (\$1,200.00) dollars; three clerks and stenographers at not more than the aggregate sum of thirty-six hundred (\$3,600.00) dollars; superintendent of fisheries, twenty-seven hundred (\$2,700.00) dollars; foreman of St. Paul fish hatchery, thirteen hundred and fifty (\$1,350.00) dollars; foreman of Glenwood fish hatchery, thirteen hundred and fifty (\$1,350.00) dollars; foreman of the Detroit fish hatchery, thirteen hundred and fifty (\$1,350.00) dollars; foreman of the French River fish hatchery, thirteen hundred and fifty (\$1,350.00) dollars; superintendent of game propagation, eighteen hundred (\$1,800.00) dollars. ('19 c. 370 § 1)

5654. To be in full payment, except actual expenses—The salaries provided for in this act for officers and employes named herein shall be in full payment for all services that may be rendered by said officers and employes either in the performance of their regular or special duties, but all such officers and employes shall be entitled to reimbursement for actual necessary expenses incurred in the performance of their duties. ('19 c. 370 § 2)

5655. Certain act repealed—Subdivision fifteen (15) of section one (1), chapter four hundred (400), General Laws of 1913, and all other acts or parts of acts inconsistent with this act are hereby repealed. ('19 c. 370 § 3)

CHAPTER 33

PUBLIC LIBRARIES

STATE PUBLIC LIBRARY COMMISSION

5656. Members—Term—The state public library commission shall be composed of the president of the state university, the state superintendent of public instruction, and the secretary of the state historical society, each ex officio, and two other members to be appointed by the governor upon the expiration of the terms of those now in office, each for the term of six years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired terms. (2250) [4911]

5657. Compensation—No member of such commission shall receive any salary or compensation for his services as such, but each shall be paid his traveling and other expenses necessarily incurred in attending meetings of the commission, in visiting or establishing libraries, and in performing his duties connected with the work of the commission. (2251) [4912]

5658. Purchase of books—Office—The commission may purchase collections of books, to be the property of the state, and used as a state circulating library, from which any town, village, or community may borrow under prescribed regulations. It shall divide such books into groups, to be known as traveling libraries, catalogue and prepare them for circulation, and make rules for the conduct of its business, such as shall insure the care, preservation, and safe return of all books loaned. Suitable rooms shall be provided in the capitol for its use. (2252) [4913]

5659. To advise librarians, etc.—Said commission, without charge, shall give advice and instruction to the managers of any public library, and to the trustees or agents of any village, town, or community entitled to borrow from said collections, upon any matter pertaining to the organization, maintenance, or administration of libraries. It shall assist, by counsel and encouragement, in the formation of libraries where none exist, and may send its members to aid in organizing the same, or in improving those already established. (2253) [4914]

5660. Statistics — Reports — Disbursements — The commission shall keep statistics of the free public libraries of the state, and a record of the work done and the books loaned by it, and report the same to each regular session of the legislature with a statement of its expenditures, the use made of the traveling libraries, and such other matters as it deems proper. Upon presentation of itemized vouchers, approved by at least three members of the commission the state auditor shall issue his warrants for all proper expenditures hereunder. (2254) [4915]

PUBLIC LIBRARIES AND READING ROOMS

5661. Establishment and maintenance — Tax — The governing body of any city or village may establish and maintain a public library and reading room or either of them for the use of its inhabitants, and by ordinance may set apart for the benefit thereof real estate or other public property of the municipality.